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SUDAN

Country of Origin Information Reports (COI Reports) are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The COI Reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

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1. Scope of Document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The COI Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 31 August 2005.
- 1.02 The COI Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the COI Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The COI Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the COI Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the COI Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the COI Report is a collation of material produced by a number of reliable information sources. In compiling the COI Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The COI Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this COI Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the COI Report is readily available in the public domain. Where the source documents identified in the COI Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this COI Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

- 2.01 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) stated that the Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). [1] (p1087, 1107) A United Nations May 2004 map recorded that Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. [2f]
- 2.02 Europa 2005 recorded that, according to a mid-2003 UN estimate, the population of the capital, Khartoum, was approximately 4,285,542. [1] (p1107) A more recent estimate reproduced in a European Institute for Research on Mediterranean and Euro Arab-Cooperation (MEDEA) May 2004 Report stated that Khartoum had a population of 6-7 million people. [5a] (p1) Encyclopaedia Britannica (EB) 2004 recorded that "It [Khartoum] has bridge connections with its sister towns, Khartoum North [700,887*] and Omurdurman [1,271,403*], with which it forms The Sudan's largest conurbation." [6d] (p1) Europa 2005 recorded that other major cities include Port Sudan [308,195*], Kassala [234,622*], Nyala [227,183*] and Juba [114,980*]. [1] (p1107)
- *Population at 1993 census, according to Europa Regional Surveys of the World: Africa South of the Sahara 2004. [1] (p1107)
- 2.03 Europa 2005 recorded that "According to UN estimates, the population was 33,610,000 at mid-2003." [1] (p1087) the US State Department's Human Rights Report for 2004 (USSD 2004), published 28 February 2005, reported that "Northern Muslims, who formed a majority of approximately 16 million persons, traditionally dominated the Government. The southern ethnic groups [that, up until January 2005, were] fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million." [3b] (Section 5) The Library of Congress' (LoC) December 2004 Country Profile recorded that "In rough percentages, Sudan's population is composed of 50 percent black Africans, 40 percent Arabs, 6 percent Beja, and 3-4 percent other." [35b] (p5)
- 2.04 MEDEA's May 2004 Report stated that the northern Sudanese people consist of the Arabs, Nubians, Beja, tribes from the Nuba Mountains and some arabised groups that, in total, represent about 70% of the entire population. [5a] (p1) The southern Sudanese people include several ethnic groups, of which the most important are the Dinkas, the Nuers and the Shilluks who collectively represent approximately 28% of the total population. [5a] (p1) The Sudan People's Liberation Movement [SPLM]-administered area, also known as New Sudan, consisted of ten southern states, according to a map of south Sudan published on the Gurtong Peace Project website. [77b] A January 2005 British Broadcasting Corporation (BBC) report recorded that the town of Rumbek [in Al-Buhayrat (Lakes) State] had been chosen by the former rebel group, the SPLM/A, as the administrative capital of south Sudan. [14ac]

See also Annex C: [Main ethnic groups](#) and Annex F: [States of Sudan](#)

- 2.05 Ethnologue 2004 recorded that "The number of languages listed for Sudan is 142. Of those, 134 are living languages and 8 are extinct." [34] (p1) LoC's profile

of December 2004 recorded that “Sudan is home to a large number of languages. One authoritative source lists 134 spoken languages, with other estimates running up to 400, including numerous dialects. [35b] (p5) According to EB 2004, “Arabic is the primary language of one-half of the population, with Dinka that of about one tenth. Arabic is the official national language and is the most common medium for the conduct of government, commerce, and urban life throughout the country. English has been acknowledged as the principal language in the south since 1972.” [6b] (p6)

LoC’s profile also stated that “English is widely spoken as a second language in the North and to a lesser extent in the South.” [35b] (p5)

See also Annex D: [Languages of Sudan](#)

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3. Economy

3.01 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) recorded that "Sudan is primarily an agricultural and pastoral country, with about 59% of the economically active population engaged in the agricultural sector – the majority in essentially subsistence production." [1] (p1101) According to Europa 2005, at 39.2%, agriculture remained the largest single component of Sudan's Gross Domestic Product (GDP) in 2002. [1] (p1101) Europa 2005 also recorded that "In 2003 domestic petroleum consumption was about 70,000 b/d [barrels per day], which left approximately 200,000 b/d for export." [1] (p1104)

3.02 Europa 2005 stated that "On 1 March 1999 the Sudanese pound was replaced by the Sudanese dinar, [which was] equivalent to 10 Sudanese pounds....The pound was withdrawn from circulation on 31 July 1999." [1] (p1101) The European Institute for Research on Mediterranean and Euro Arab-Cooperation (MEDEA) May 2004 Report stated that one Sudanese Dinar was equal to one hundred Piastres. [5a] (p1) According to the Economist Intelligence Unit's Country Profile on Sudan, 2004:

"Inflation eroded real wages and living standards throughout the 1990s....There have been periodic attempts to rectify this, with large public-sector pay increases announced in the 1999 and 2003 budgets. Overall, however, average real pay levels remain low, adding to the importance of other sources of income, such as private transfers from family members abroad, or earnings from work in the parallel economy." [64] (p44)

3.03 A British Broadcasting Corporation (BBC) news report of 1 December 2004 recorded that "Sudan is to introduce a new currency under efforts to restore unity to the conflict-ridden country, according to a finance ministry official." [14am] It further stated that "Details of the new currency will be decided after the peace deal is signed." [14am] A currency converter on the website www.oanda.com recorded:

The exchange rate as at 31 August 2005		
1 British Pound	431.785 Sudanese Dinar	4490.44 Sudanese Pound
1 US Dollar	241.680 Sudanese Dinar	2513.40 Sudanese Pound

[30a-30d]

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4. History

THE AL-BASHIR REGIME

- 4.01 The Foreign and Commonwealth Office's Country Profile on Sudan (FCO Profile), last updated on 10 August 2005, recorded that:

"On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair." [25f] (p2)

For information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, source [1].

- 4.02 The British Broadcasting Corporation's (BBC) Sudan Timeline of August 2005 recorded that, in March 2004, army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were detained over an alleged coup plot. [14g] (p4) The Timeline also recorded that, in September 2004, the "Government says it has foiled [a] coup plot by supporters of Islamist leader Hassan al-Turabi." [14g] (p4) Agence France Presse reported on 31 August 2005 that Sudan's first post-war parliament had opened. [13b]

See also Section 4: Signing of the Comprehensive Peace Agreement (CPA): 9 January 2005; Other recent events: March 2005 - September 2005;
Section 6.A: Freedom of assembly and association/Political activists and Members and supporters of the Popular/People's National Congress (PNC/PC);
Annex B: Popular National Congress

THE DARFUR CONFLICT: FEBRUARY 2003 – SEPTEMBER 2005

- 4.03 The FCO Profile stated that "Despite the progress made on the CPA, conflict continues in Darfur, western Sudan. Conflict in Darfur has been rife since the 1980's. [sic] It is largely a battle for resources, land, water and grazing rights together with a related struggle for power within the native tribal administration structure." [25f] (p2)
- 4.04 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) recorded that "In February 2003 two rebel groups, the Sudanese Liberation Movement (SLM), which reportedly comprised as many as 2,500 armed troops, and the SJEM [Sudanese Justice and Equality Movement], a force estimated to number several hundred men, organized a rebellion against the Government in an attempt to end political oppression and economic neglect in the Darfur region of western Sudan." [1] (p1096) Meanwhile, the FCO Profile stated that:

"In late 2002/early 2003 the conflict reached new heights with the overt involvement of government forces and the establishment of the Sudan

Liberation Movement (SLM). The SLM fought a guerrilla war against Government, police and security forces achieving considerable success. The Government also seems to have authorised and equipped some groups of Arab militias who have become engaged in conflict with the rebels.” [25f] (p2)

4.05 The FCO Profile continued:

“The Government of Sudan, SLM and the Justice and Equality Movement (JEM) have engaged in African Union-led peace talks and signed a Declaration of Principles, which sets out the parameters for a final settlement to the conflict, on 5 July. This follows the signature of a humanitarian ceasefire agreement on 8 April 2004 and Security and Humanitarian Protocols on 9 November 2004 in Abuja. However neither side is abiding fully by their commitments to the earlier agreements, and insecurity continues to hamper the delivery of humanitarian assistance. Talks are scheduled to reconvene in Abuja on 24 August.” [25f] (p2)

See also Section 6.A: [The Darfur conflict](#), [Darfur peace talks](#) and [Freedom of assembly and association/Members and supporters of armed opposition factions - Darfur](#); **Section 6.B:** [Ethnic groups/Darfur](#); **Annex B:** [Justice and Equality Movement](#), [National Movement for Restoration/Reform and Development](#) and [Sudan Liberation Movement/Army](#); **Annex C:** [Black ethnic groups - Darfur](#)

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THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT (CPA): 9 JANUARY 2005

4.06 The FCO Profile stated that:

“On 9 January 2005 the Government of Sudan and SPLM signed a Comprehensive Peace Agreement (CPA). The parties have now committed themselves to establishing a Government of National Unity (GNU) comprising members of the National Congress, SPLM and other northern and southern political forces. The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang and Vice President Taha, was sworn in on 9 July.” [25f] (p2)

4.07 The UN’s Integrated Regional Information Networks (IRIN) also reported in January 2005, that:

“Sunday’s [9 January 2005] agreement requires the Sudanese government to withdraw at least 91,000 troops from the rebel-controlled south within two and a half years, while the rebels have eight months to withdraw their forces from northern Sudan. Under the accord, Sudan will rewrite its constitution to ensure that Islamic law, or Sharia, is not applied to non-Muslims anywhere in the country. The newly signed agreement further details protocols on sharing legislative power and natural resources, changing the armed forces during a six-year transition period and methods to administer the three disputed areas in central Sudan.” [15a]

4.08 The text of the 9 January 2005 agreement, reproduced on Reliefweb, stated that the six-month pre-interim period commenced from the date of the CPA’s signing. [75] (p1) The FCO Profile also recorded that:

“Democratic elections are to be held within four years. There will also be a Government of Southern Sudan, which will safeguard the interests of the people of southern Sudan and provide a link with the Government of National Unity. After six and a half years the south will be able to vote on whether or not to remain united with the rest of the country. This peace agreement is a huge achievement, trying to end more than 20 years of civil war in which more than 2 million people have died and some 4 million have been displaced.” [25f] (p2)

See also Section 6.A: Implementation of the Comprehensive Peace Agreement (CPA); Freedom of assembly and association/Members and supporters of armed factions - central/south Sudan; **Section 6.B:** Ethnic groups/Nilotes - Dinka, Nuer and Shilluk; **Annex B:** Sudan People’s Liberation Movement/Army; **Annex C:** Black ethnic groups (central and southern Sudan)

- 4.09 The BBC Timeline of August 2005 reported that, in June 2005, the Government and exiled opposition grouping – National Democratic Alliance (NDA) – signed a reconciliation deal allowing the NDA into the power-sharing administration. [14g] (p4)

See also Annex B: National Democratic Alliance

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THE EASTERN CONFLICT: JANUARY 2005 – SEPTEMBER 2005

- 4.10 An IRIN report of 22 June 2005 recorded that “In January [2005], Sudanese government forces opened fire on Beja demonstrators in Port Sudan, killing more than 20 people. The rebels said they would not talk to the government unless those responsible were brought to justice and 18 of their leaders, imprisoned following the events in Port Sudan, were released.” [15dz] In February 2005 it was reported that the Beja Congress and Rashaida Free Lions had merged to become the Eastern Front, following their withdrawal from the Cairo talks between the Government and the NDA. [12]
- 4.11 The IRIN report continued: “The eastern rebels have clashed intermittently with government forces in eastern Sudan since 1996, Beja sources said, but tension has risen in recent months.” [15dz] It further stated that “Rebels of the Beja Congress group in eastern Sudan have destroyed three government military camps during fighting that broke out in the northeast on Sunday [19 June 2005], one of the rebel leaders said....The fighting started when the rebels launched a major offensive for control of the Red Sea town of Tokar, some 120 km south of Port Sudan.” [15dz] The report also noted that Salah Barqueen, secretary for legal affairs of the Beja Congress, had claimed that Justice and Equality Movement rebels from the Darfur region were also involved in the attack. [15dz]

Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition factions - east Sudan; **Section 6.B:** Ethnic groups/East Sudan; **Annex B:** Beja Congress and National Democratic Alliance; **Annex C:** Non-arab ethnic groups collectively known as the Beja

OTHER RECENT EVENTS: MARCH 2005 – SEPTEMBER 2005

- 4.12 The BBC Timeline of August 2005 reported that, in March 2005, the UN Security Council had authorised sanctions against those who violated the ceasefire in Darfur and that the Council had voted to refer those accused of war crimes in Darfur to the International Criminal Court (ICC). [14g] (p4) It further stated that, in June 2005, President al-Bashir had freed Islamist leader Hassan al-Turabi, who had been detained in March 2004 over an alleged coup plot. [14g] (p4)

See also Section 4: The al-Bashir regime;

Section 6.A: Members and supporters of the People's/Popular National Congress (PNC/PC);

Annex B: Popular National Congress

- 4.13 The FCO Profile of August 2005 recorded that:

“John Garang, the First Vice-President and leader of the SPLM/A, was killed in a helicopter accident in Southern Sudan on 30 July. Cdr. Salva Kiir Mayardit, the new leader of the SPLM, has been appointed as acting First Vice President and has stated his determination that the SPLM remains committed to the objectives for which Dr Garang worked so hard. Rioting and demonstrations broke out in Khartoum, in the days after Garang's death with reports of around 100 fatalities. Following the rioting, both the Government of Sudan and the SPLM have appealed for calm and made a joint statement outlining their continuing commitment to the CPA.” [25f] (p2)

- 4.14 The Sudan Organisation Against Torture also reported on the death of John Garang, the following events in and around Khartoum and in Juba, and that “On 11 August [2005], Salva Kiir Mayardit, former Commander of the SPLA/M was inaugurated as the successor to Dr. Garang. Salva Kirr is now the First Vice President and the President of Government of Southern Sudan.” [23be] (p1) On 31 August 2005, AFP reported on the first session of Sudan's post-war parliament, which consisted of 52 percent National Congress Party members, 28 percent SPLM members, 14 percent northern opposition party members and six percent southern opposition party members. [13b]

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed factions - central/south Sudan;

Annex B: Sudan People's Liberation Movement/Army

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5. State structures

THE CONSTITUTION

- 5.01 According to Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005), after the 1989 coup that brought the present regime to power the civilian ruling apparatus, including the Constitution, was dismantled. [1] (p1090) Europa 2005 recorded that "In October 1997 a 277-member constitutional committee was formed to draft a new constitution." [1] (p1093) Europa 2005 stated that the National Assembly approved the document in April 1998. [1] (p1093) Europa 2005 also stated that almost 97% of voters voted in favour of the new Constitution, which came into force on 1 July 1998, in a May 1998 referendum. [1] (p1093)
- 5.02 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] The Sudan Organisation Against Torture's (SOAT) newsletter of July - August 2005 noted that "Nonetheless, events in the last two months have meant that there has been no concrete analysis on how the implementation of the Interim Constitution has translated into the ground. The sudden death of Dr. John Garang, First Vice President and Chairperson of the SPLM and its aftermath which saw violent riots across the Sudan saw the imposition of a curfew in the capital, Khartoum and the Southern town of Juba." [23be] (p6)
- 5.03 Article 4 of the draft INC recorded the fundamental basis of the Constitution:
- "This Constitution is predicated upon and guided by the following principles:
- (a) The unity of the Sudan shall be based on the free will of its people, the rule of law, democratic governance, accountability, equality, respect and justice for all citizens,
 - (b) Religion, beliefs, customs and traditions are a source of moral strength and inspiration for the Sudanese people,
 - (c) The cultural and social diversity of the Sudanese people shall be the foundation of national cohesion and shall not be used for causing division,
 - (d) The authority and powers of government emanate from the sovereign will of the people exercised by them in free, direct, and periodic elections conducted through universal adult suffrage in secret balloting;" [4b] (p3-4)
- 5.04 Article 5 of the draft INC recorded the sources of Sudanese legislation as:
- "(1) Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its sources of legislation *Sharia* and the consensus of the people;
 - (2) Nationally enacted legislation applicable to Southern Sudan and/or states of Southern Sudan shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to the Sudan's diversity;
 - (3) Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state, and subject to Article 26

(a) herein in case of Southern Sudan, the majority of whose residents do not practice such religion or customs may:

- a Either introduce legislation so as to allow or provide for institutions or practices in that state consistent with their religion or customs, or
- b Refer the law to the Council of States for it to approve by a two-thirds majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate;" [4b] (p4)

- 5.05 The draft INC provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [4b] (p13-17) The UN's Integrated Regional Information Networks (IRIN) recorded on 11 July 2005 that "On Sunday [10 July 2005], [President] al-Bashir issued a decree ending the country's 16-year-old state of emergency – which gave authorities wide powers to detain people without charge and to crack down on opposition forces – in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea." [15bw]

See also Section 6: Human rights for details on the treatment of individuals and specific groups, and the restriction of fundamental freedoms in relation to the Constitution.

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CITIZENSHIP AND NATIONALITY

- 5.06 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] The draft INC of March 2005 recorded that:
- "(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
 - (2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;
 - (3) The law shall regulate citizenship and naturalization; no naturalized sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
 - (4) A Sudanese national may acquire a nationality of another country as shall be regulated by law;"
- 5.07 According to a Foreign and Commonwealth Office (FCO) letter dated 24 October 2001 containing information provided by El Karib & Medani, the FCO's advocates: "The conditions and qualifications for the grant of nationality in Sudan is governed and regulated by the provisions of the Sudanese Nationality Act, enacted in 1993." [25b] (p1) The US Office of Personnel Management's (US OPM) March 2001 document entitled Citizenship Laws of the World recorded that "Citizenship is based upon the Law of Sudanese Nationality #22, dated 1957, Law #55, dated 1970, and Law #47, dated 1972." [36] (p186)
- 5.08 The FCO's letter of October 2001 and the US OPM's March 2001 document agreed that Sudanese nationality or citizenship is passed down paternally by descent if the child's father is Sudanese at the time of his or her birth. [25b] (p1) [36] (p186) Both the FCO's letter and the OPM qualified this by stating that this applied regardless of whether the father was a Sudanese citizen by descent or

naturalisation and regardless of the child's country of birth. [25b] (p1) [36] (p186) However, the US State Department's Report 2003 (USSD 2003), published on 25 February 2004, stated that "During the year [2003], the law was changed to allow [Sudanese] citizen women who were married to foreigners to pass their citizenship to their children if they so chose. In the past, the children were automatically deemed to have the citizenship of their father." [3a] (Section 5)

5.09 The FCO's letter of 2001 provided a detailed list of the conditions under which a person is considered Sudanese by descent. [25b] (p1) The US OPM March 2001 document concurred with the above and stated the following in respect of the eligibility of those born in Sudan:

- "Person born on or before January 1, 1957:
- Child born in the territory of Sudan whose parents had established residency in Sudan [is entitled to Sudanese citizenship].
- Person born after January 1, 1957:
- Birth in the territory of Sudan does not automatically confer citizenship. The exception is a child born to unknown parents." [36] (p186)

5.10 According to the FCO's letter of October 2001:

"The Minister of Interior may grant a certificate of naturalization as a Sudanese to an alien who is defined in the law as: a person who is not Sudanese, upon satisfaction to the requirement that he: is of a full age and capacity, he has been domiciled in the Sudan for a period of five years or more, he is of good character, and has not previously been convicted of a criminal offence involving moral turpitude." [25b] (p1)

5.11 The OPM's March 2001 document largely agreed with the above, stating that "Sudanese citizenship may be acquired upon fulfillment of the following conditions: Person is a legal adult, has resided in Sudan for 10 years, knows the Arabic language, is of good morality, has committed no crimes, desires to remain in the country, renounces previous citizenship, is in good health, and declares loyalty to the country." [36] (p186)

5.12 The October 2001 FCO letter and OPM's document of March 2001 also concurred over the status of non-Sudanese women who marry Sudanese nationals. [25b] (p1-2) [36] (p186) The former stated that:

"The Minister also have [sic] the authority to grant a certificate of naturalization to an alien woman if she proved that:

- She is a wife of a Sudanese man in accordance with the provision of Sudanese law, and
- She has resides [sic] with her Sudanese husband in the Sudan for a continuos [sic] period of not less than two years from the date of such an application." [25b] (p1-2)

The OPM document also stated that a foreign woman must renounce her former citizenship. [36] (p186)

5.13 The FCO's letter of October 2001 stated that "As to the case of immigrants they will be subject to the same rules applied to aliens, but refugees are not allowed to apply for a certificate of naturalization for this will conflict with the laws and

the International Agreements regulating the existence of refugees in Sudan.” [25b] (p2) The FCO’s letter of October 2001 also provided a detailed list of the circumstances under which an immigrant might have his or her naturalisation revoked. [25b] (p2)

- 5.14 The OPM document of March 2001 recorded that “Voluntary renunciation of Sudanese citizenship is permitted by law.” [36] (p186) It also stated that Sudanese citizens could involuntarily lose their citizenship if one or more of the following applied:

- Person obtains new citizenship.
- Naturalized citizenship obtained through fraud or falsity.
- Naturalized citizen lives abroad more than 5 years, without registering. [36] (p186)

- 5.15 A letter from the FCO dated 28 February 2005 confirmed that there had been no change to the law(s) governing nationality or citizenship since 2001. [25c] (p1)

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POLITICAL SYSTEM

- 5.16 Europa 2005 recorded that “In early February 1994, by constitutional decree, Sudan was redivided into 26 states instead of the previous nine. The executive and legislative powers of each state government were to be expanded and southern states were expected to be exempted from Shari’a law.” [1] (p1091, 1107) The European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA) recorded in May 2004 that:

“Sudan is a republic with a federal system of government. There are multiple levels of administration: 26 states (Wilayaat) subdivided into approximately 120 localities (Mahaliyaat). The executives, cabinets and senior level state officials are appointed by the President of the Republic. Although legislation grants considerable powers to the federated states, their limited budgets are determined by and dispensed from the central government, resulting in complete economic dependency.

In the areas under its control, the SPLM/A does not recognize the Government’s administrative division into States and has introduced its own administrative structure, based on Regions, Counties, Localities (payams) and Villages (bomas).” [5a] (Politics)

- 5.17 However, the British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 24 of the March 2005 draft INC recorded that:

“The Sudan is a decentralized State, with the following levels of government:

- (a) The national level of government, which shall exercise authority with a view to protect the territorial integrity and the national sovereignty of the Sudan and promote the welfare of its people,

- (b) Southern Sudan level of government, which shall exercise authority in respect of the people and states in Southern Sudan,
 - (c) The state governments throughout the Sudan, which shall exercise authority at the state level and render public services through the level of government close to the people,
 - (d) The level of local government throughout the Sudan;" [4b] (p10)
- 5.18 Part Three of the draft INC outlined the Composition and Powers of the National Executive, provided details on the function, powers and establishment of the Presidency, Vice-Presidency and Advisors, and also the National Council of Ministers and Government of National Unity. [4b] (p19-31) Part Ten of the draft INC detailed similar aspects concerning the establishment and administration of the Government of Southern Sudan (GoSS). [4b] (p63-69) While Part Eleven of the draft INC outlined the State Institutions, Executive, Legislature and Interim Provisions peculiar to Southern Kordofan and Blue Nile States, and to the Abyei Area. [4b] (p70-73)
- 5.19 Previous to the signing of the INC, the Inter-Parliamentary Union (IPU) stated that Sudan's legislature was the unicameral National Assembly (Majlis Watani). [57b] (p1) The IPU recorded that members of the National Assembly serve terms of four years. [57b] (p1) The IPU stated that there were 360 members of the National Assembly; 270 deputies were elected in the constituencies, plus 35 representatives of women, 26 representatives of university graduates and 29 representatives of the trade unions. [57b] (p2)
- 5.20 The Sudan Organisation Against Torture that "On 11 August [2005], Salva Kiir Mayardit, former Commander of the SPLA/M was inaugurated as the successor to Dr. Garang. Salva Kirr is now the First Vice President and the President of Government of Southern Sudan." [23be] (p1) On 31 August 2005, AFP reported on the first session of Sudan's post-war parliament, which consisted of 52 percent National Congress Party (NCP) members, 28 percent SPLM members, 14 percent northern opposition party members and six percent southern opposition party members. [13b]

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POLITICAL PARTIES

- 5.21 An International Crisis Group (ICG) report of 11 December 2003, 'Towards an Incomplete Peace', stated that "Bending under internal and external pressures for reform, the government in 1999 enforced the Law on the Regulation of Tawali (succession of political parties in power) that required adherence to its 'national salvation' ideology as a condition for political associations and parties to receive official recognition." [63a] (p14) The report recorded that "The Political Parties and Organisations Law that replaced the Tawali law in 2000 permits parties that refused to register under the earlier legislation to function by simply notifying authorities of their existence. However, to contest elections, parties operating under the notification regime must observe the Tawali conditions." [63a] (p14)
- 5.22 According to the US State Department's Human Rights Report 2004 (USSD 2004), "There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. The Political Parties Act

allows some formerly banned political parties to resume their activities; however, the parties were required to notify the registrar in writing to participate in elections. Observers believed that the Government controlled professional associations.” [3b] (Section 2b)

- 5.23 Freedom House's (FH) 2005 report, 'The World's Most Repressive Societies', remarked that, in 2004, the State of Emergency law severely restricted freedom of assembly and association; however, the UN's Integrated Regional Information Networks (IRIN) recorded on 11 July 2005 that, "On Sunday [10 July 2005], [President] al-Bashir issued a decree ending the country's 16-year-old state of emergency – which gave authorities wide powers to detain people without charge and to crack down on opposition forces – in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea.” [54b] (p78) [15bw]

- 5.24 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Part Two of the draft INC contained a Bill of Rights that enshrined a commitment of respect and promote human rights and fundamental freedoms. [4b] (p13-18) With regard to Freedom of Assembly and Association, Article 40 of the draft INC recorded that:

- “(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) The right to establish political parties, associations and trade or professional unions shall be guaranteed, the law shall regulate the exercise of this right as is necessary in a democratic society;
- (3) No association shall function as a political party at the national level unless it:
 - (a) has its membership open to all Sudanese irrespective of religion, ethnic origin, sex or place of birth,
 - (b) has a programme that upholds the Comprehensive Peace Agreement, and conforms to this Constitution,
 - (c) has a democratically elected leadership and institutions,
 - (d) has disclosed and transparent sources of funding;” [4b] (p16)

See also Section 6.A: [Freedom of assembly and association](#);
[Annex B: Main political organisations](#)

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JUDICIARY

- 5.25 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 34 of the draft INC stated that:

- “(2) In the determination of any criminal charges or rights and obligations in a law suit, the accused shall be entitled to a fair and public hearing by a competent, independent and impartial court of law;
- (3) Everyone charged with an offence shall be presumed innocent until proved guilty according to law;
- (4) No one shall be held guilty on account of any act or omission which did not constitute an offence under national, Southern Sudan or state laws, or international law at the time when it was committed;
- (5) In the determination of any criminal charge against anybody, he/she shall be entitled to be tried in his/her presence without any undue delay and to defend himself/herself in person or through legal assistance of his/her own choice and to have legal aid assigned to him/her where the interest of justice so require;” [4b] (p14)

5.26 Article 123 of the draft INC recorded that:

- “(1) The National judicial competence in the Republic of the Sudan shall vest in an independent authority to be known as the “National Judiciary”;
- (2) The National Judiciary shall assume judicial powers in adjudicating on disputes and issuing judgments on those disputes in accordance with this Constitution and the law;
- (3) The National Judiciary shall be independent of the Legislature and the Executive;” [4b] (p48)

5.27 Previous to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, stated that “The judiciary was not independent and was subject to outside influence from the executive and security forces.” [3b] (p1) USSD 2004 also stated that “On occasion, courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred.” [3b] (Section 1e)

5.28 Amnesty International (AI), in a report dated December 2004, stated that “Unfair trials are the norm in Sudan. Political trials and trials under Specialised Criminal Courts in Darfur are inherently unfair, but often even trials under ordinary courts fail to respect international standards of fairness. In some cases, the judiciary appears to have overturned sentences or dismissed charges against the accused for lack of evidence; however, doubts remain as to the guilt of many persons convicted in unfair trials.” [11u] (p34)

See also Section 5: Judiciary/North, south and west Darfur

5.29 Meanwhile, USSD 2004 reported that:

“Trials in regular courts nominally met international standards of legal protections. The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the Government sometimes denied defense counsel access to the courts.” [3b] (Section 1e)

- 5.30 USSD 2004 also recorded that “Lawyers who wished to practice were required to maintain membership in the government-controlled bar association. The Government continued to harass members of the legal profession who it viewed as political opponents; some were detained, including the Director of the Darfur Lawyers Association, Mohamed Adomo, who was later released.” [3b] (Section 1e)

See also Section 6.C: Treatment of non-governmental organisations (NGOs)

- 5.31 AI, in its December 2004 report, registered its concern that the Popular Congress (PC/PNC) party members arrested in connection with the alleged March 2004 coup attempt had been tortured to extract confessions, which the defendants had later retracted. [11u] (p38) The report added that “Regarding the September arrests of Popular Congress members, defence lawyers were reportedly given a list of 94 persons, including military men, who would stand trial for suspected involvement in an alleged coup attempt.” [11u] (p38)

See also Section 6.A: Freedom of assembly and association/Political activists and Members and supporters of the Popular/People’s National Congress (PNC/PC);

Annex B: Popular National Congress

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STRUCTURE

- 5.32 Article 124 of the draft INC recorded that “The National Judiciary shall be structured as follows: (a) A National Supreme Court, (b) National Courts of Appeal, (c) Other national courts or tribunals as deemed necessary to be established by law,” [4b] (p48) Article 130 of the INC stated that “(1) Having regard to competence, integrity and credibility, the Chief Justice of the Republic of the Sudan, Justices of the National Supreme Court, and all Judges of the Republic shall be appointed by the President of the Republic, after consultation within the Institution of the Presidency and upon the recommendation of the National Judicial Service Commission,” [4b] (p50)
- 5.33 Previous to the signing of the INC, USSD 2004 reported that, “The judicial system includes four types of courts: Regular courts; military courts; special courts; and tribal courts. Tribal courts were in place in rural areas to resolve disputes over land and water rights, and family matters.” [3b] (Section 1e) The August 2001 UNDP study stated that Sudan’s courts of general jurisdiction had three levels: “The courts of first instance are either general (‘amm) or summary (juz’i). The second level consists of appeal courts (isti’naf); the Supreme Court (al-mahkama al-’ulya) stands at the apex of the order.” [2d] (p4)
- 5.34 USSD 2004 recorded that “Within the regular court system, there are civil and criminal courts, appeal courts, and the Supreme Court. Special Courts in Darfur operated during the year [2004] under the state of emergency to try crimes against the state.” [3b] (Section 1e) The report also stated that “The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari’a is applied in the North but not by courts in the South. There continued to be reports that non Muslims were prosecuted and convicted under Shari’a ‘hudud’ laws. Public order cases were heard in criminal courts.” [3b] (Section 1e)

- 5.35 According to Article 156 of the draft INC, with regard to the National Capital, Khartoum “(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply,” [4b] (p62) Article 157 continued “A special commission shall be established by the Presidency to ensure that the rights of non-muslims are protected and respected in accordance with the guidelines mentioned in Articles 154 and 156 above and not adversely affected by the application of *Sharia* law in the National Capital. The said commission shall make its observations and recommendations to the Institution of the Presidency;” [4b] (p62)
- 5.36 According to the Sudan Organisation Against Torture’s (SOAT) April 2004 Report on Reformatories in Sudan, “There is an active juvenile [*sic*] court [in] Khartoum that has been established as a pilot project in 1999 in Khartoum North....Recently, there are two juveniles’ courts in other states (Gadarif and Kosti).” [23d] (p1) SOAT’s 2004 report stated that “The court applied the code of criminal procedure 1991 in general because the juvenile Welfare act 1983 [*sic*] did not provide special procedures for handling the cases under it.” [23d] (p5) The report also recorded that “The administrative structure of the court is the same as the structure of ordinary courts in the Sudan.” [23d] (p5)
- 5.37 SOAT’s 2004 report recorded that “Establishing the juvenile’s court has had a tremendous impact on the lives of children who came into conflict with the law in Khartoum State.” [23d] (p5) The report also recorded that Save the Children Sweden had conducted an evaluation of the court in August 2002 and made a number of recommendations for its improvement. [23d] (p6)

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NORTH, SOUTH AND WEST DARFUR

- 5.38 USSD 2004 stated that “The Special Courts Act created special three person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security related cases.” [3b] (Section 1e) In December 2004 AI released a report entitled ‘Sudan: The Specialised Criminal Courts in Darfur’, which stated that:

“Special Courts instituted by decrees under a 2001 State of emergency in Darfur were reformed into ‘Specialised Criminal Courts’ in all three states of Darfur in March 2003, following another decree by the Chief Justice in Khartoum. Jurisdiction over offences such as armed robbery and *haraba* (banditry); unlicensed possession of firearms; crimes under articles 50-57 of the Penal Code (offences against the State); public order offences; and ‘anything else considered a crime by the Governor of the State or the Head of the Judiciary’ (Article 4) was passed onto these new Courts.” [11am] (p1)

- 5.39 The AI report continued:

“The Specialised Criminal Courts are defended by the Sudanese authorities as a notable improvement for the rights of defence; in particular they are now headed by only one civilian judge, compared to the Special Courts which were

also headed by members of the security forces. According to the Ministry of Justice, the Specialised Criminal Courts are formally under the responsibility of the judiciary; they have been established for reasons of 'expediency'. However lawyers in Darfur see little difference between the Special Courts and the Specialised Criminal Courts. Many of the flaws remain." [11am] (p1)

5.40 According to USSD 2004:

"Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the Chief Justice and the Head of State. Defendants could file appellate briefs with the Chief Justice. Special Courts were in operation during the year in Darfur, as allowed under the state of emergency." [3b] (Section 1e)

5.41 USSD 2004 continued, "Emergency tribunals, composed primarily of military judges, continued to try banditry cases, particularly in Darfur." [3b] (Section 1e) AI's December 2004 report on the Specialised Criminal Courts in Darfur recorded what the organisation considered were the main flaws that remained in the system. [11am] AI was concerned that "The 2003 Decree institutionalising such courts still fails to ensure that confessions extracted under torture are not used as evidence against the accused, even if they are later retracted." [11am] (p1) It was also concerned that proper legal representation was still not guaranteed and, while defence lawyers were frequently allowed to represent their clients, this was at the discretion of the judge, and that "Specialized Criminal Courts continue to sentence convicted persons to cruel, inhumane and degrading punishments and the death penalty, with limited rights of appeal." [11am] (p1)

5.42 USSD 2004 stated that "Defendants were not permitted access to legal representation." [3b] (Section 1e) The same report also stated that "The emergency tribunals ordered sentences such as death by stoning and amputations during the year [2004]. Sentences were carried out quickly, with only 1 week allowed for appeal to the district chief justice. Emergency tribunals ordered executions during the year [2004]. Unlike last year [2003], there were no confirmed reports that persons were executed the day after sentencing." [3b] (Section 1e)

5.43 AI also recorded, in December 2004, that:

"The Sudanese authorities also use the Specialised Courts to try ordinary people on suspicion of belonging to, or supporting, rebel groups. In Darfur, there are two opposition groups – the Sudan Liberation Army and the Justice and Equality Movement. Amnesty International is concerned that the Specialised Courts, which accept confessions extracted under torture as evidence, can be used by the Sudanese authorities to pass sentences of death or other cruel, inhumane and degrading treatment, on such detainees. The Sudanese authorities have frequently arrested and tortured civilians into confessing to belong to rebel groups." [11am] (p1)

5.44 The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, dated 25 January 2005, when discussing the possible mechanisms to ensure accountability for the crimes committed in Darfur, stated that "Considering the nature of crimes committed in

Darfur and the shortcomings of the Sudanese criminal justice system, which have led to effective impunity for the alleged perpetrators, the Commission is of the opinion that the Sudanese courts are unable and unwilling to prosecute and try the alleged offenders.” [2c] (p144) The Commission recommended that the situation in Darfur be referred to the International Criminal Court (ICC) as “The international community must take on the responsibility to protect the civilians of Darfur and end the rampant impunity currently prevailing there.” [2c] (p145)

- 5.45 In June 2005, the ICC announced the opening of an investigation into crimes against humanity in Darfur, a move welcomed by various human rights organisations and made possible by a March 2005 UN Security Council resolution to refer the situation in Darfur to the court. [10o, 10u] [11ae, 11as] [15ds] [22c] IRIN reported, in April and June 2005, on the Sudanese Government’s and judiciary’s objections to the ICC’s decision to open the investigation, including a state-organised public protest in April 2005. [15cn, 15co, 15ea]

- 5.46 IRIN also recorded in June 2005 that “A court set up by the Sudanese government this week to bring to trial suspects of crimes related to the conflict in the western region of Darfur was due to begin its work on Wednesday [15 June 2005], Sudan’s official news agency reported. Justice Minister Ali Mohamed Osman Yassin formed the court on Monday [13 June 2005] by issuing a national decree.” [15dw] Al criticised the Government of Sudan’s move, stating that:

“‘We fear that the establishment of the special court may just be a tactic by the Sudanese government to avoid prosecution by the International Criminal Court,’ said Kolawole Olaniyan, Director of Amnesty International’s Africa Programme.

‘On the one hand, the Sudanese government is claiming that it is able to punish the crimes it is accused of condoning for the last two years; on the other hand, it continues to crack down on those who expose or criticise such human rights violations.’” [11af]

- 5.47 The UN Secretary-General’s (UN SG) August 2005 report recorded that “The Special Criminal Court for the events in Darfur, which was established by the Government on 7 June, began proceedings this month. There are currently four cases before the Special Court, dealing with charges of rape, armed robbery, illegal possession of firearms and unlawful killing of persons in custody.” [2n] (p2) The UN SG continued:

“The establishment of the Special Court is a positive development. However, none of the cases before the Special Court addresses the major violations of human rights and international humanitarian law that took place during the conflict in Darfur during 2003 and 2004; nor do the cases address the criminal responsibility of senior officials.

I am also concerned about procedures adopted for the Special Court. From the beginning, no special procedures have been in place for protecting minors, whether as victims or as alleged perpetrators. Each case has had to be adjourned owing to the non-attendance of witnesses who had been given insufficient notice, or no notice at all, of the hearing. Trial procedures must meet with international fair trial standards and, if the Special Court is to be true to the spirit of the mandate under which it was established, this must be reflected in the selection of cases.” [2n] (p2)

See also Section 6.A: The Darfur conflict and Freedom of assembly and association/Members and supporters of armed opposition factions - Darfur;
Section 6.B: Ethnic groups/Darfur;
Annex B: Justice and Equality Movement, National Movement for Restoration/Reform and Development and Sudan Liberation Movement/Army;
Annex C: Black ethnic groups - Darfur

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SOUTH AND CENTRAL SUDAN, INCLUDING SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS AND THE NUBA MOUNTAINS

- 5.48 Article 132 of the draft INC recorded that "Notwithstanding Article 130(1) herein, and within one week from the adoption of Interim Constitution of Southern Sudan, the President of Government of Southern Sudan shall appoint the President and Justices of Southern Sudan Supreme Court, Courts of Appeal and Judges of other courts as shall be determined by that Constitution and the law;" [4b] (p51)

Prior to the signing of the INC, USSD 2004 reported that:

"Civil authorities and institutions did not operate in parts of the rebel-held south and the Nuba Mountains [during 2004]. Parts of the South and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offences against civil order." [3b] (Section 1e)

- 5.49 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the SPLM/A Chairman, John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. [77a] The article also remarked that "After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." [77a]
- 5.50 USSD 2004 stated that "Magistrates in SPLM/A held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to a lack of infrastructure, communications, funding, and an effective police force." [3b] (Section 1e) The United Nations (UN) Special Rapporteur reported in January 2003 that perpetrators of abuses were reportedly sometimes brought to justice, although the judiciary often acted on an arbitrary basis. [2b] (p14)
- 5.51 According to USSD 2004, "The SPLM recognized traditional courts or 'Courts of Elders,' which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts." [3b] (Section 1e) The same report stated that "In rural areas outside effective SPLM control, tribal chiefs applied customary laws." [3b] (Section 1e)

- 5.52 USSD 2004 recorded that “The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from Hudud law – the part of Shari’a which permits physical punishments, including flogging, amputation, and stoning.” [3b] (Section 1c) The report later stated that “The three Naivasha Protocols signed on May 26 and the Nairobi Declaration of June 5 confirm the principle of freedom of religion and address how Islamic law (Shari’a) will be applied throughout the country, but they have not yet been implemented.” [3b] (Section 2c)

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LEGAL RIGHTS/DETENTION

- 5.53 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 29 of the draft INC recorded that “Every one has the right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention nor be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law;” [4b] (p13) While Article 34 of the draft INC stated that “(1) anyone who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her;” [4b] (p14)
- 5.54 Previous to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, stated that “The law prohibits arbitrary arrest and detention without charge; however, in practice the Government continued to use arbitrary arrest and detention under the state of emergency provisions.” [3b] (Section 1d) USSD 2004 also recorded that “Under the Constitution and the Criminal Code, an individual can be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney.” [3b] (Section 1d)
- 5.55 USSD 2004 reported that “Under the amended National Security Act, which supercedes the Criminal Code, an individual accused of violating national security may be detained for 3 months without charge, which the Director of Security may extend for another 3 months.” [3b] (Section 1d) The Amnesty International Annual Report for 2005 (AI 2005), reporting on events in 2004, stated that “Political detainees, including many prisoners of conscience, continued to be held in prolonged incommunicado detention without trial under Article 31 of the National Security Forces Act.” [11a] (p3) In January 2005, the Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General was published, stating that “The Commission noted that the National Security Force Act, as amended in 2001, gives the security forces wide-reaching powers, including the power to detain without charge or access to a judge for up to nine months.” [2c] (p31)
- 5.56 USSD 2004 further recorded that “Under the state of emergency, the Government is not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review [during 2004].” [3b] (Section 1d) The AI 2005 Annual Report recorded that “Six Darfuris arrested in Khartoum in February [2004] remained detained without charge and mostly

incomunicado at the end of the year.” [11a] (p3) USSD 2004 went on to state that “The law allows for bail, except for those accused of crimes which are punishable by death or life imprisonment, and there was a functioning bail system. In general, the Government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for persons perceived as political opponents.” [3b] (Section 1d)

- 5.57 USSD 2004 stated that “There were reports that security forces tortured, detained without charge, and held incomunicado political opponents. Detentions of such persons generally were prolonged.” [3b] (Section 1d) The AI 2005 Annual Report recorded that “Hundreds of people were detained without charge for political reasons by national security, intelligence and police forces; at least 100 remained in detention at the end of the year.” [11a] (p1) The same report also stated that “Torture was widespread, especially in Darfur. At least three detainees died in custody in circumstances where torture appeared to have caused their death.” [11a] (p1) The January 2005 ICI report stated that “In Khartoum, the Commission interviewed detainees that were held incomunicado by the security forces in ‘ghost houses’ under abhorrent conditions. In some cases, torture, beatings and threats were used during interrogations and so as to extract confessions. Some of the detainees had been held for 11 months without charge, access to a lawyer or communication with family.” [2c] (p31)

- 5.58 A Danish Fact Finding Mission of August and November 2001 reported that “According to the 1991 criminal law there are now nine offences in all for which the accused may be sentenced to death:

Article 50: Attack on the power of the state and undermining the constitution

Article 51: Making war on the state

Article 53: Spying against the country

Article 126: Apostasy (converting from Islam to another religion)

Article 130: Murder

Article 146: Adultery

Article 148g: Homosexuality

Article 168: Armed robbery

Article 177: Embezzlement.” [9b] (p13)

- 5.59 USSD 2004 stated that “In accordance with Shari’a, the Criminal Act provides for physical punishments including flogging, amputation, stoning and ‘crucifixion’ the public display of a body after execution.” [3b] (Section 1c) The AI 2005 Annual Report on events in 2004 recorded that “Floggings were imposed for numerous offences and usually carried out immediately. Amputations, including cross-amputations, were also imposed but none was known to have been carried out in 2004.” [11a] (p1) USSD 2004 recorded that “During the year [2004], there were a number of sentences of flogging and cross-amputation, but few were carried out.” [3b] (Section 1c)

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HUMAN RIGHTS MONITORING

- 5.60 The Inter-Parliamentary Union (IPU) website stated that, in November 2002, Sudan had in place a permanent parliamentary body dealing with human rights, the Human Rights Committee. [57b] (p6-7) IPU recorded that “The Committee is

charged with the examination of individual complaints; the supervision of compliance with relevant national and international standards; and the discussion of the human rights situations at home and abroad.” [57b] (p7) The Committee is reportedly responsible for, among other areas, conditions of custody. [57b] (p7) The IPU made no comment on the independence or effectiveness of the Committee. [57b]

- 5.61 The International Committee of the Red Cross’ (ICRC) Annual Report 2003 stated that “Immediately following the outbreak of conflict in Darfur, the ICRC, in accordance with its mandate, proposed its services to the government, requesting access to all those detained in connection with the fighting. This offer was declined.” [58b] (p97) Nevertheless, the ICRC’s 2004 annual report recorded that “The ICRC visited people held by the SPLM/A and was officially asked, as a neutral intermediary, to facilitate any release of detainees held in connection with the north-south and Darfur conflicts.” [58a] (p102)

DEATH PENALTY

- 5.62 Article 36 of the draft INC stated that “No death penalty shall be inflicted save as retribution or punishment for extremely serious offences in accordance with the law;” [4b] (p15) The AI 2005 Annual Report, covering events in 2004, recorded that “More than 100 death sentences were imposed; executions were believed to have been carried out.” [11a] (p1) According to USSD 2004, “Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under Special Courts.” [3b] (Section 1e) The report also stated that death sentences in these courts were referred to the Chief Justice and the Head of State, and that defendants were able to file appellate briefs with the Chief Justice. [3b] (Section 1e)
- 5.63 USSD 2004 recorded that “The emergency tribunals [which tried banditry cases, particularly in Darfur] ordered sentences such as death by stoning and amputations during the year. Sentences were carried out quickly, with only 1 week allowed for appeal to the district chief justice. Emergency tribunals ordered executions during the year. Unlike last year [2003], there were no confirmed reports that persons were executed the day after sentencing.” [3b] (Section 1e)
- 5.64 USSD 2004 also stated that “The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees.” [3b] (Section 6a) The Sudan Organisation Against Torture (SOAT) reported on a number of cases where the death penalty was imposed, including cases in which minors were sentenced to death and also the case of 88 members of the Riziegat whose sentences were overturned, during 2004 and 2005. [23b, 23e-23i, 23bc-23be] SOAT also recorded, in March 2005, that a Christian woman belonging to the Dinka tribe, living in Darfur, had been arrested on suspicion of committing adultery (Zina) in February 2005 and that she would be at risk of the death penalty, if found guilty. [23m] A June 2005 AI press release concerning the Interim National Constitution (INC) remarked that “Amnesty International also expressed serious concern at today’s failure to abolish the death penalty in Sudan – particularly as it applies to those under the age of 18.” [11ap]

See also Section 5: Judiciary/North, south and west Darfur;

Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition groups - Darfur; **Section 6.B:** Ethnic groups/Darfur

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SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 5.65 USSD 2004 recorded that "Some sources believed that the SPLM/A still held several hundred prisoners of war (POWs) in indefinite detention at year's end; however, it was unknown whether this was indeed the case." [3b] (Section 1d) The International Committee of the Red Cross (ICRC) recorded that, in July 2005, "Around 300 people formerly held by the Sudan People's Liberation Army (SPLA) were freed at the beginning of July and returned to Khartoum. Most of them had been held for a period of several years, and some for up to fifteen years." [58c] (p1)
- 5.66 USSD 2004 also recorded that "The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from Hudud law-the part of Shari'a which permits physical punishments, including flogging, amputation, and stoning." [3b] (Section 1c) The report continued: "Shari'a is applied in the North but not by courts in the South. There continued to be reports that non Muslims were prosecuted and convicted under Shari'a 'hudud' laws." [3b] (Section 1e)

See also Section 5: Judiciary/SPLM/A-controlled areas and the Nuba Mountains

HUMAN RIGHTS MONITORING OF CONDITIONS FOR SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A) DETAINEES AND DETAINEES HELD BY OPPOSITION FACTIONS

- 5.67 USSD 2004 reported that "The SPLM/A, which has taken a number of POWs over the years, often cooperated with the International Committee of the Red Cross (ICRC), allowing them regular visits to the POWs." [3b] (Section 1g) The ICRC's 2003 Annual Report reported that, during 2003, "610 people (including 126 newly registered) held by armed opposition groups were seen individually in 17 detention facilities during 21 visits." [58b] (p97) Meanwhile, the ICRC's 2004 Annual Report stated that "It [the ICRC] was the only organization that regularly visited government soldiers detained by the SPLM/A." [58a] (p104)

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INTERNAL SECURITY

- 5.68 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 148 of the draft INC recorded that "(1) The Police shall be a decentralized service, whose mission is to maintain law and order in accordance with the law, and in compliance with national and internationally accepted standards;" [4b] (p58) Prior to the signing of the INC, the US State Department's Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, "In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal

security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces.” [3b] (p1)

See also Section 5: Military service and Military service/Popular Defence Forces

- 5.69 USSD 2004 stated that the police forces included regular police units, the Popular Police Force (PPF) and the Public Order Police (POP). [3b] (Section 1d) The same report recorded that “The PPF is a parallel pro government force that received higher pay than the regular police. The POP is a law enforcement entity that enforced Islamic law (Shari’a), including enforcing proper social behavior, such as restrictions on alcohol and ‘immodest dress.’” [3b] (Section 1d) The report also stated that “Effectiveness varied depending on the strength of the local militias and security forces. Police corruption was a problem, and police officers supplemented their incomes by extorting bribes from the local civilians.” [3b] (Section 1d)

- 5.70 The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, published in January 2005, recorded that:

“The Sudanese armed force is a conventional armed force with a mandate to protect and to maintain internal security. It carries out its mandate through an army, including Popular Defence Force militia and Borders Intelligence, as well as an air force and navy. According to information received by the Commission, currently the army numbers approximately 200,000 in strength, although its logistical capacity was designed for an army of 60,000. Support, in particular air support, therefore goes primarily to priority areas and is re-deployed only after those areas have calmed down. The central command and control of armed forces operations are therefore imperative.” [2c] (p27)

- 5.71 The ICI report also stated that “According to information received by the Commission, the National Security and Intelligence Service is one of the most powerful organs in the Sudan....National Security Forces act under the general supervision of the President.” [2c] (p27) USSD 2004 stated that “The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.” [3b] (p1)

See also Section 6: Human rights for details on the treatment of individuals and specific groups, and the restriction of fundamental freedoms by the security forces.

- 5.72 The International Committee of the Red Cross (ICRC) Annual Report stated that:

“The first advanced course [on International Humanitarian Law (IHL)] was held for police instructors [in 2003] and, with the improved security, the ICRC conducted its first presentations, ranging from short talks to five-day courses, to police covering conflict-affected regions, including forces in Juba, Kadugli and Torit. In another positive development, Sudan’s security services agreed in principle to launch, with ICRC support, a training programme for its members in 2004, covering international human rights law and humanitarian principles.” [58b] (p98)

- 5.73 ICRC's 2004 Annual Report recorded that "Sudan's interministerial committee for the implementation of IHL, set up in 2003 by presidential decree, continued to benefit from ICRC input on technical and legal matters." [58a] (p105)

SOUTHERN SUDAN

- 5.74 Article 148 of the draft INC recorded that "(3) The services and functions of Police in Southern Sudan and the states shall be as prescribed by the constitutions of Southern Sudan, the respective state and the law;" [4b] (p58)

The drafting of the constitution of Southern Sudan had not been completed, at the time of writing. [15aw]

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PRISONS AND PRISON CONDITIONS

STRUCTURE

- 5.75 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 149 of the draft INC recorded that:

"(1) (a) There shall be established at the National, Southern Sudan and state levels, prisons services whose functions and terms of service shall be prescribed by law;
(b) Prisons are penal and correctional institutions; consequently all acts degrading of prisoners dignity, or that may expose their health to danger shall not be permissible."

- 5.76 The Sudan Organisation Against Torture's (SOAT) Annual Report on Women Prison Conditions in Sudan, 2003 provided some background on the prison structure in Sudan. The report stated that "The prisons in Sudan are divided into five sections; Federal, Provincial, Regional and Central, Open and Semi-Open and Mental Asylums." [23c] (p1) According to the same report, the seven different types of prisons house the following types of prisoner:

Federal: repeat offenders, prisoners with special needs such as behavioural difficulties, those imprisoned for crimes regarding hudud (crimes where physical punishment for the offence is provided in law) and unusual practices like refusing to obey orders.

Provincial: first time offenders with medium- to long-term sentences, hudud prisoners from the provinces and those with special needs.

Regional and Central: repeat offenders with medium- to long-term sentences and first time offenders.

Open and Semi-Open camp: first-time offenders, according to their jobs, age and those with a 'positive attitude'.

Mental Asylum: those who have been sectioned under Article 4 of the criminal Act of 1991 and prisoners who are too mentally unstable to carry out their sentences in normal prison conditions. [23c] (p1-2)

- 5.77 SOAT's 2003 report also recorded the size, location and layout of the mixed and women's prisons in Marawi, Al Fashir, Kousti and Omdurman. [23c]

CONDITIONS IN PRISONS IN GOVERNMENT-CONTROLLED AREAS

- 5.78 The US State Department's Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, reported that "Prison conditions remained harsh, overcrowded, and life threatening." [3b] (Section 1c) The report continued:

"Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly enjoyed better conditions than did other prisoners [in 2004]." [3b] (Section 1c)

USSD 2004 also stated that "Pretrial detainees were held separately from convicted prisoners." [3b] (Section 1c)

- 5.79 Marawi and Kousti prison, according to SOAT's 2003 report on Women Prisons, were mixed prisons. [23c] (p10, 11) SOAT's 2003 report stated that "There are no health units at the prison [Marawi] as there are no medical staffs [sic]." [23c] (p11) However, in Kousti prison, SOAT reported, "There are no serious health issues amongst the prisoners....There are medical units with[in] the prison and in the past there was a medical assistance [sic] to overlook its operation, who looked after the health of prisoners." [23c] (p12)

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WOMEN IN PRISON

- 5.80 USSD 2004 recorded that "Male and female prisoners were held separately." [3b] (Section 1c) SOAT's 2003 report included information in varying detail on the living and health conditions in each of the prisons on which it reported. [23c] The report recorded that, in Omdurman, blankets and sheets were not provided by the state and the prison authorities depended on charities to provide them. [23c] (p7) SOAT also recorded that "Prisoners suffering from poor health are relocated to Al Tigani Al Mahi hospital on Omdurman or the Central mental hospital in Kober (a department of the prison administration)." [23c] (p7)
- 5.81 SOAT's 2003 report stated that, in Kousti women's prison, "There are 45 inmates along with twelve accompanied children. Between the hours 5pm to 5 am only one area a room is provided for them to reside in[;] this room does not have space for a quarter of the inmates....There are only 4 beds; these are the private property of some 4 persons of the inmates [sic]." [23c] (p13) The report also noted that, in Kousti prison, "The prisoners' ankles are chained by manacles almost always, especially when they are visiting a hospital[;] they may even be chained together as a group." [23c] (p14)

See also Section 6.B: [Women](#)

CHILDREN IN PRISON

- 5.82 USSD 2004 stated that “Juveniles often were held with adults.” [3b] (Section 1c) SOAT’s 2003 report on Women’s Prisons stated that, in Kousti’s mixed prison, “There is no separate section for minors and as they are not allowed according to law) [sic] to mix with the adult populations, so, they have to be imprisoned in solitary confinement.” [23c] (p12)
- 5.83 SOAT’s April 2004 Report on Reformatories in Sudan recorded that the two reformatories that were in operation in Sudan were Jireif Reformatory in the Jireif area in Khartoum and Kober Reformatory in Kober, Khartoum North. [23d] (p1) SOAT’s April 2004 report recorded that “There is no special health facility attached to the reformatory [in Jireif].” [23d] (p10) When discussing the conditions in Kober Reformatory the SOAT April 2004 report recorded that “There is no medical check [sic] and not even a medical unit....Juveniles in severe cases are taken to [a] security hospital which is near the reformatory.” [23d] (p12)
- 5.84 The SOAT report also stated that “It [Kober reformatory] lacks the help of National or International NGOs [unlike Jireif] [;] the juveniles at Jireif reformatory feel too funk [sic] and afraid if the officers threat[en] them by transferring them to Kober reformatory.” [23d] (p12) According to SOAT’s 2004 report, common punishments in the two reformatories included solitary confinement, lashings and being asked to perform tasks which, in Kober prison particularly, could also be considered cruel and inhuman in nature. [23d] (p11, 13)
- 5.85 USSD 2004 added that “To provide proper care for their children, many women prisoners took the children into the prison where education was unavailable.” [3b] (Section 1c) However, SOAT’s 2003 Report on Women’s Prisons stated that, in Omdurman, “The children continue their education at Bayt al Maal Primary School (Omdurman district).” [23c] (p9)

HUMAN RIGHTS MONITORING

- 5.86 USSD 2004 stated that “The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.” [3b] (Section 1c) The Inter-Parliamentary Union (IPU) website stated that, in November 2002, Sudan had in place a parliamentary body dealing with human rights, the Human Rights Committee. [57b] (p6-7) The IPU website recorded that “The Committee is charged with the examination of individual complaints; the supervision of compliance with relevant national and international standards; and the discussion of the human rights situations at home and abroad.” [57b] (p7) The IPU stated that the Human Rights Committee dealt with, among other areas, the conditions of prisons, including the inspection of Kober Prison. [57b] (p7) The IPU made no comment on the independence or effectiveness of the Committee. [57b]

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MILITARY SERVICE

- 5.87 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 18 of the draft INC stated that "Defending the Country is an honour and a duty; the State shall care for the combatants, afflicted in war and the families of the martyrs;" [4b] (p9)
- 5.88 War Resisters' International's (WRI) 1998 survey 'Refusing to Bear Arms' recorded that the law governing military service is the National Service Act 1992, which rendered all males aged between 18 and 33 liable for national service. [19] (p1) However, the Danish Fact Finding Mission (FFM) of 2000 reported that "Military service is compulsory for all males aged 18 and over, the recruitment age being adjusted from time to time." [9a] (p36) A letter from the Foreign and Commonwealth Office (FCO) dated 28 February 2005 confirmed that there had been no change to the laws governing military service since 2001. [25c] (p1)
- 5.89 WRI's 1998 Survey also recorded that "According to the law, women are also liable for military service, but they are not called up in practice." [19] (p1) WRI's survey stated that "The length of military service is 24 months, 18 months, in the case of high school graduates, and 12 months in the case of university and college graduates." [19] (p1)
- 5.90 WRI's 1998 Survey stated that "According to the 1992 law, those called up for military service are not allowed to follow an education or get a job. Men of conscription age are forbidden to leave the country for any reason (art. 20)." [19] (p4) The US State Department's Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, recorded that "The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university." [3b] (Section 4) According to the Danish FFM, in the year 2000, virtually all students at Khartoum University had thus completed their military service and many had been deployed at the front in the south. [9a] According to two SPLM/A representatives consulted by the Danish FFM of August and November 2001, there was some possibility of obtaining an examination certificate via bribery at that time. [9b] (p39)
- 5.91 The International Committee of the Red Cross' (ICRC) 2003 Annual Report stated that "The ceasefires [in central and south Sudan] meant the ICRC was able to work more in the field, giving presentations in conflict-affected regions such as Raja, Wau and the Nuba Mountains." [58b] (p97) The report also recorded that "Following longstanding discussions, the head of military intelligence gave the ICRC permission to give IHL [International Humanitarian Law] presentations to pro-government militias. A three-day seminar was held in Raja for 35 officers of the South Sudan Defence Forces [SSDF], followed by introductory IHL talks for pro-government militias in Equatoria." [58b] (p98)

- 5.92 ICRC's 2004 Annual Report stated that "The Sudanese national security forces signed an agreement on 5 June to launch a training programme on IHL and international human rights law." [58a] (p105) The report continued:

"In the field, improved access in the south meant the ICRC gave more presentations and workshops on IHL and international human rights law to military, security and police forces stationed in conflict-affected areas.

In Darfur, ICRC staff seized every opportunity to give ad hoc briefings on IHL and international human rights law to armed, security and police forces. As its mandate became better known, it organized comprehensive presentations on IHL, such as a three-day workshop in El Fasher for high-ranking army officers. The ICRC also conducted sessions on IHL and the ICRC for newly arrived African Union troops." [58a] (p106)

POPULAR DEFENCE FORCES (PDF)

- 5.93 The report of the Danish FFM of 2001 stated that "Besides the regular Sudanese army the National Congress (NC) party has its own military branch called the Popular Defence Forces (PDF)." [9b] (p35) The PDF was created by the Government in 1990 and has its legal basis in the Popular Defence Forces Act 1989. [19] (p2-3) The Danish 2001 FFM report recorded that, "Under the 1989 Popular Defence Forces Act (attached as Annex 5 [of the report]), PDF recruits must be at least 16 years old and Sudanese citizens. In 1992 service in the PDF became obligatory for all students, both male and female. Completion of service was a precondition for entering further education." [9b] (p37)
- 5.94 The January 2005 Report of the International Commission of Inquiry (ICI) to the United Nations (UN) Secretary-General stated that "For operational purposes, the Sudanese armed forces can be supplemented by the mobilization of civilians or reservists into the Popular Defence Forces (PDF)....According to information gathered by the Commission, local government officials are asked by army Headquarters to mobilize and recruit PDF forces through tribal leaders and sheikhs. The Wali is responsible for mobilization in each State because he is expected to be familiar with the local tribal leaders." [2c] (p28)
- 5.95 WRI's 1998 Survey stated "PDF training involves military training, civil defence training and patriotic and cultural education (1989 law, art. 14) and is considered to be an instrument of religious indoctrination." [19] (p3) The Danish FFM report 2001 concurred: "The PDF training contained a considerable element of Islamisation, and many Christian students therefore had serious problems when they were recruited to the PDF." [9a] (p37) According to the same report, although women were recruited into the PDF on a voluntary basis, they were not sent on active service, although "There were women's battalions which stayed behind the front lines where recruits worked as nurses, etc." [9b] (p39) The ICI recorded that "One senior commander explained the recruitment and training of PDF soldiers as follows:

"Training is done through central barracks and local barracks in each state. A person comes forward to volunteer. We first determine whether training is needed or not. We then do a security check and a medical check. We compose a list and give it to the military. This is done at both levels – Khartoum and state or local level. We give basic training (for example, on the use of weapons,

discipline, ...) [*sic*] which can take two weeks or so, depending on the individual.'

'A person may come with a horse or camel – we may send them into military operations on their camel or horse. [...] Recruits are given weapons and weapons are retrieved again at the end of training.'" [2c] (p28)

- 5.96 The 2001 Danish FFM report recorded that "Students who go into the PDF before entering further education have to serve 12 months, while those who have not yet been accepted for further education or who have not completed secondary school have to serve for 18 months. State employees and those working in state-owned companies have to undergo a 45-day training programme." [9b] (p37) USSD 2004 recorded that "Male teenagers (and, in the South, some girls) in the [government] camps [for vagrant children] often were conscripted into the PDF. Conscripts faced significant hardship and abuse in military service, often serving on the frontline." [3b] (Section 4)

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EXEMPTIONS, PARDONS AND POSTPONEMENTS

- 5.97 The National Service Act 1992, contained at annex 4 of the Danish 2001 FFM report, detailed the conditions to be met by Sudanese citizens to qualify for an exemption, pardon or postponement of their military service. [9b] (p69-72)

CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

- 5.98 WRI's 1998 Survey recorded that "The right to conscientious objection is not legally recognised." [19] (p3) WRI's 1998 Survey also stated that "Avoiding military service is punishable by two to three years' imprisonment (National Service Law, art. 28)." [19] (p4) The Danish FFM report 2001 stated that:

"A well-informed local source in Cairo said that deserters were not normally punished with imprisonment. [In 2001] If a deserter was caught he would be sent to the front under genuine threat of harassment and under close supervision. Otherwise the sentence for desertion was three years, but there had been very few examples of deserters being sentenced to three years in prison." [9b] (p51)

- 5.99 The FCO stated in its letter of February 2005 that, although they were not aware of specific cases of draft evaders/deserters facing inhuman, degrading or persecutory treatment, they would not be surprised to find that this was the case. [25c] (p1) WRI's 1998 Survey reported that "Draft evasion and desertion seem to be widespread." [19] (p4) The 2001 Danish FFM report stated: "The [same well-informed Cairo] source also explained that a person's ability to avoid military service in Sudan [in 2001] would depend very much on his and his family's connections to the regime, and the social and economic position of his family in Sudan." [9b] (p51)
- 5.100 In the same report, various sources including representatives of the SPLM/A, Bahr el-Ghazal Youth Development Agency (BYDA) and the Deputy Head of Mission at the Embassy of the Federal Republic of Germany had varying opinions on the possibility of using bribery to avoid military service. [9b] (p51-53)

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RECRUITMENT/CONSCRIPTION

- 5.101 War Resisters' International's 1998 Survey stated that "The 1992 National Service Law was introduced in an attempt to meet [the] increasing personnel needs of the armed forces." [19] (p2) The FCO, when commenting on the Government's current recruitment/conscription practices in its letter of February 2005, stated that "The relevant authority puts an advertisement in the local media calling for young people to sign up." [25c] (p1) The Danish FFM report of 2000 stated that "The UNHCR [United Nations High Commission for Refugees] pointed out that there are three common forms of recruitment to the Popular Defence Force (PDF) and the armed forces." In the year 2000, these were:
- students (at secondary school) faced with the need to collect their examination certificates. [9a] (p36)
 - round-ups in the street. [9a] (p36) [9b] (p35, 37-40) SPLM/A representatives told the 2001 Danish FFM that "This happened at checkpoints, in people's homes, in schools and in public places." [9b] (p39)
 - call-up via employers (in both the public and private sector). [9a] (p36)
- 5.102 The Danish FFM report of 2001 stated that during round-ups military personnel in civilian clothing stopped vehicles and "The authorities forced those passengers who were believed to be the right age for conscription and who could not prove that they had in fact already performed their military service to go with them to military training camps. Many of those who were recruited did not even have an opportunity to contact their parents or relatives to inform them of what had happened." [9b] (p35)
- 5.103 A December 2002 Canadian Immigration and Refugee Board (IRB) Research Directorate enquiry response described "The process for reporting for military service; how recruitment calls are made; [and] exemptions from service." [31a] (p1) In addition to the above methods of call-up the chairman of the Sudan Human Rights Group (SHRG), who was consulted by the IRB, stated that local radio and television announcements occurred asserting that all men eligible for military service should gather together at a specific place, on a certain hour and date. [31a] (p1)
- 5.104 The IRB in 2002 reported that "As well, he [the Chairman of the SHRG] stated that '[i]n case of emergency, that is to say, [an] urgent need for fighters, the Military Police usually close main highways and roads and check the passengers and arrest those persons who are eligible for...service.'" [31a] (p1) A professor of Islamic and Sudanese history at Georgetown University was also consulted by the IRB in December 2002. He stated that "In practice, for the areas outside of the major urban areas, I would think that the primary means for recruitment is what it was in older times – the local notables who speak for the local people when dealing with the government ('tribal' chiefs and heads of clan) would be responsible for making sure that appropriate young men reported at the right place and the right time." [31a] (p1)
- 5.105 The Danish FFM report 2001 stated that "Both southern and northern Sudanese were recruited. A well-informed source in Cairo explained that besides the

recruitment of northern Sudanese for the regular Sudan Army there was also significant recruitment of internally displaced men from the war zones in Sudan [during 2001]. They were often recruited as volunteers as it was a means for them to support themselves in Sudan.” [9b] (p40)

FORCED CONSCRIPTION

- 5.106 According to USSD 2004: “The Government and government-allied militias forcibly conscripted young men and boys into the military forces to fight in the civil war [during 2004].” [3b] (Section 4) USSD 2004 also recorded that “Unlike in the previous year [2003], there were no reports that the South Sudan Unity Movement conscripted boys [during 2004].” [3b] (Section 4) In August 2005 the Civilian Protection Monitoring Team (CPMT) reported on an investigation into the alleged conscription of civilians in Bentiu and the surrounding areas. [60bn] The report was inaccessible, at time of writing, so who the allegation was against and the outcome of the investigation was unknown. [60bn]
- 5.107 USSD 2004 reported on Government-operated camps for vagrant children and stated that “Male teenagers (and, in the South, some girls) in the camps often were conscripted into the PDF. Conscripts faced significant hardship and abuse in military service, often serving on the frontline.” [3b] (Section 4) USSD 2004 recorded that “The ICRC [International Committee of the Red Cross] cooperated with UNICEF [United Nations Children’s Fund] to remove child soldiers from the South [during 2004].” [3b] (Section 4) The report also stated that “Unlike in the previous year, there were no reports that forced conscriptions resulted in deaths.” [3b] (Section 1a)
- 5.108 Save the Children (UK) published a report entitled ‘Child Protection in Darfur’, in September 2004, in which the organisation expressed its concerns regarding the apparent forced conscription of children by Government/Government-allied forces in Darfur. [45] (p5) The report stated that some children might also have ‘volunteered’ in an effort to protect themselves or their families but stressed that even the ‘voluntary’ recruitment of minors is a violation of their rights and, in the case of children under 15, such a practice constitutes a war crime. [45] (p5)

See also Section 6.B: [Children](#)

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THE SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)

- 5.109 USSD 2004 recorded that “Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers.” [3b] (Section 4) The United Nation’s Special Rapporteur’s (SR) January 2003 Report concurred: “Forced recruitment is reportedly ongoing [in SPLM/A-controlled areas as of January 2003].” [2b] (p15) A July 2005 UN Integrated Regional Information Networks (IRIN) report recorded that ““We estimate that there are about 4,000 child soldiers remaining in the SPLM/A [Sudan People’s Liberation Movement/Army],’ Una McCauley, child protection officer with the UN Children’s Fund (UNICEF) Operation Lifeline Sudan, said.” [15ed] In August 2005 the Civilian Protection Monitoring Team (CPMT) reported on an investigation into the alleged conscription of civilians in Bentiu and the surrounding areas. [60bn] The report was inaccessible, at time of writing, so who

the allegation was against and the outcome of the investigation was unknown. [60bn]

- 5.110 The ICRC's 2003 Annual Report recorded that "Thanks to the ceasefires and easing of travel restrictions, the ICRC conducted IHL sessions, sometimes combined with first-aid training, for SPLM/A members in areas previously restricted or off-limits in Eastern Equatoria, Upper Nile, western Upper Nile/Unity state and the Nuba Mountains." [58b] (p98) The ICRC's Annual Report for 2004 stated that "The SPLM/A taught IHL at its main training centre, the Institute for Strategic Studies, but had not yet integrated the subject into all its training programmes. As support, the ICRC trained 30 SPLA officers as IHL instructors." [58a] (p106) USSD 2004 also recorded that "The ICRC cooperated with UNICEF to remove child soldiers from the South [during 2004]." [3b] (Section 4)

ARMED OPPOSITION GROUPS AND OTHER BEARERS OF ARMS

- 5.111 Save the Children (UK) published a report, 'Child Protection in Darfur', in September 200, in which the organisation expressed its concerns regarding the apparent forced conscription of children by rebel groups in Darfur. [45] (p5) The report also stated that some children might also have 'volunteered' in an effort to protect themselves or their families but stressed that even the 'voluntary' recruitment of minors is a violation of their rights and, in the case of children under 15, such a practice constitutes a war crime. [45] (p5) An IRIN report of July 2005 recorded that "Some 10,000 other children are thought to be associated with other armed groups in southern Sudan, mainly pro-government militia. Many were selected by local chiefs in their home areas who arrange their recruitment." [15ed]
- 5.112 The ICRC's 2004 annual report recorded that:

"On the basis of a 2003 agreement with the Sudanese authorities, the ICRC continued to give IHL presentations to pro-government militia in the south, including, for the first time, members of the South Sudan Unity Movement [SSUM] and South Sudan Independence Movement [SSIM].

In relation to the conflict in Darfur, the ICRC conducted ad hoc briefings in Sudan and abroad on IHL and the ICRC for members of government-allied militia and the opposition JEM, SLM/A and National Reform and Development Movement."

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MEDICAL SERVICES

- 5.113 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 19 of the draft INC stated that "The State shall promote public health and provide basic medical services and facilities;" [4b] (p9)
- 5.114 Prior to the signing of the INC, UNICEF's 'At a glance: Sudan – Statistics' contained numerical indicators from 2003 which estimated that the average life

expectancy at birth for a Sudanese person was 56 years and that approximately 93,000 children had died before reaching the age of five in the same year. [68b] (p1) According to the *Encyclopaedia Britannica* (EB) 2004, "Varying ecological conditions in The Sudan, poor hygiene, and widespread inadequacies of diet result in a high incidence of fatal infectious disease. The most common illnesses are malaria, dysentery and other gastrointestinal diseases, and tuberculosis." [6c] (p5) In July 2005, the World Health Organisation (WHO) released a 'Health Update' on Sudan that covered health issues in areas such as east Sudan, south Sudan and Darfur. [29e]

- 5.115 The Foreign and Commonwealth's (FCO) August 2005 Country Profile stated that "Medical facilities [in Sudan] are not comparable to Western standards." [25f] (p5) A July 2004 WHO Summary Country Profile for HIV/AIDS Treatment reported that "In general, Sudan's health system suffers from a weak infrastructure in terms of human resources, health service coverage and funds. It is characterized by major disparities in the distribution of services and resources between and within states, between rural and urban areas and in states affected by conflict." [29a] (p2) An April 2005 WHO Country Profile on Sudan stated that:

"In the North, the infrastructure network and the workforce are quite developed in absolute numbers. However, up to a third of health facilities are reported not to be fully functional.

The low sectoral performance is due to a combination of causes: limited utilization of health services (at aggregate level, 40-60%) also due to financial barriers, large regional and economic access inequalities; facilities and equipment deterioration resulting from lack of maintenance. Services and coverage are worst in the South where there is absence of infrastructure, poor transport, and low technical and managerial capacity of local authorities.

Public health financing is low and skewed towards hospital services and urban areas; decentralization has not been supported by transfer of resources nor capacity." [29f] (p2)

- 5.116 The EB 2004 concurred: "Most of the country's small number of physicians are concentrated in the urban areas of the north, as are the major hospitals. Medical assistants, who can provide simple treatment and vaccination, also are in short supply. Most trained nurses and midwives also work in the north." [6c] (p5) A September 2004 report by the UN's Integrated Regional Information Networks (IRIN) recorded that Sudan suffered from "High maternal mortality rates due to inadequate services." [15b] The US State Department's Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, reported that "There were significant inequalities in access to health services for children living in different areas of the country." [3b] (Section 5)
- 5.117 Reliefweb reproduced extracts from WHO's April 2004 report 'Health Services in Darfour [Darfur] States', which stated that "There is an acute shortage in the number of health facilities, health personnel and supportive services in the three states of Darfour [Darfur] as compared to other northern states." [29d] (p2) Save the Children (UK)'s September 2004 report, 'Child Protection in Darfur', stated that "Access to primary health care remains low, with just 50% of needs covered." [45] (p6) The report also recorded that "A recent inter-agency assessment in Dar Zagawa, North Darfur has noted that people have to travel

up to 12 days by donkey to receive medical care and drugs, subject to insecure conditions on the road.” [45] (p6) WHO released weekly reports on the health situation in the three Darfur states. [29h]

HIV/AIDS

- 5.118 The Joint United Nations Programme on HIV/AIDS’ (UNAIDS) June 2004 Report on the global AIDS epidemic stated that:

“Sudan is by far the worst-affected country in the region [North Africa and the Middle East]. Its overall HIV prevalence is nearly 2.3% (range: 0.7 – 7.2%); the epidemic is most severe in the southern part of the country. Heterosexual intercourse is the principal mode of transmission. The virus is spreading in the general population, infecting women more rapidly than men.” [21] (p34)

- 5.119 A July 2004 World Health Organisation (WHO) Summary Country Profile for HIV/AIDS Treatment stated that “According to national sources, at the end of December 2003, 10 959 cases of HIV/AIDS had been reported to the Sudanese National AIDS Control Programme [SNACP] since the beginning of the epidemic.” [29a] (p1) A September 2004 IRIN report recorded that, according to the United Nations Population Fund (UNFPA), a national prevention and care programme was being implemented to combat HIV/AIDS. [15b]
- 5.120 The WHO HIV/AIDS Treatment Profile recorded that “The current cost of a first-line treatment regimen is US\$ 516 per person per year, using zidovudine + lamivudine + nevirapine.” [29a] (p1) Information provided by the Foreign and Commonwealth Office (FCO) in April 2004 stated that “No ART [antiretroviral therapy] is available in Sudan through the state medical scheme.” [25d] (p1)
- 5.121 Further information on cost and availability was supplied by the FCO in July 2004. [25e] The FCO advised that a “Dr Hamdoun [Elbushra] [an importer of ART drugs in Khartoum] has no problem importing the [ART] drugs and supply more than matches demand. He maintains a residual stock at all times.” [25e] The six treatment regimes Dr Hamdoun supplied to his customers, in descending order of preference, were:

	Name of drug	Strength of drug (mg)	No of tablets/strip	Wholesale price of strip (Sudanese Dinars)	No of tablets/day
1	Zidovir	100	10	1,700	6
2	Lamivir	150	10	1,000	2
3	Nevimune	200	10	1,800	2
4	Douvir	Comb. 1+2	10	2,500	2
5	Indival	400	30	4,750	6
6	Tri-Immunal	N/K	N/K	13,900 for 1 month	N/K

- 5.122 The FCO information of July 2004 stated that these drugs were available from three different pharmacies in Khartoum and one in Omdurman, “However if the treatment is obtained at the pharmacy the retail price is 20% more than the wholesale price.” [25e] According to a June 2005 report by WHO, “The current cost of a first-line treatment regimen is US\$ 516 per person per year, using zidovudine + lamivudine + nevirapine. Recent discussions with key suppliers have indicated there may be potential for reducing the prices of antiretroviral drugs as demand increases with treatment scale-up. [29c] (p1)

MENTAL HEALTH CARE

- 5.123 According to the World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005, most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. [29b] (**Mental Health Resources**) The 2005 WHO Profile recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. [29b] (**Psychiatric Beds and Professionals**) The Profile stated that “Many mental health professionals have left for other countries.” [29b] (**Psychiatric Beds and Professionals**) It also stated that “Sudan has the experience of using traditional healers for provision of mental health services.” [29b] (**Mental Health Facilities**)
- 5.124 The WHO Country Profile 2005 also recorded that mental health care was not integrated into primary care: “Since mental health is not integrated in primary care level, most of the [therapeutic] drugs are not available at primary care level.” [29b] (**Therapeutic Drugs**) According to the 2005 WHO Profile on Sudan, “Special attention has been given to migrants, [the] elderly, refugees, [the] displaced and homeless and children.” [29b] (**Non-Governmental Organizations**) But the Profile also stated that “Community care is absent due to the lack of proper transportation, lack of social workers and poor health education.” [29b] (**Mental Health Facilities**)

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SOUTH SUDAN, INCLUDING SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 5.125 On 17 June 2004 IRIN reported that a study, conducted by the New Sudan Centre for Statistics and Evaluation (NSCSE), in association with the UN Children’s Fund (UNICEF), had ranked southern Sudan as the worst in the world in many of the key indicators, including health, of the wellbeing of women and children. [15ai] A British and American Friends of Southern Sudan (BAFOSS) conference report from July 2005 found that “The health status in Southern Sudan is far worse, than other regions in Sudan. The health indicators, high prevalence of endemic and epidemic diseases as well as the new challenges that will be created by the Internally Displaced Persons (IDP) and the returning refugees will intensify the magnitude of the problem.” [78] (p2-3)
- 5.126 The BAFOSS conference went on to discuss the health system and health service delivery, infections and endemic diseases, health expenditure, human resources and disparity of health care within south Sudan. [78] (p4-5) WHO’s April 2005 Country Profile on Sudan recorded that “In the South, overall coverage is estimated at only 25% of the population. Infrastructure is inadequate, geographically concentrated and in poor conditions. Most health services are supported by international NGOs under humanitarian programmes.” [29f] (p2)
- 5.127 The International Committee of the Red Cross’ (ICRC) Annual Report for 2003 did state that “The ICRC continued to develop its community-based, primary health-care (PHC) programme, launched in 1998 to prevent public health from

deteriorating in vulnerable areas of southern Sudan.” [58b] (p96) Whilst in its 2004 Annual Report, the ICRC recorded that “The ICRC supported 16 primary-health-care facilities in the south, which served some 235,000 people in five regions (Juba, Raja and Wau in government-controlled areas and Chelkou and Yirol in opposition-controlled areas). Most of the facilities offered curative, antenatal and mother-and-child care, vaccinations and health education.” [58a] (p104) In July 2005, WHO released a ‘Health Update’ for south Sudan on issues such as post-conflict rehabilitation, health infrastructure, and disease outbreaks and risks. [29g]

HIV/AIDS IN SOUTH SUDAN, INCLUDING SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 5.128 UNAIDS’ June 2004 Report on the global AIDS epidemic stated that the infection level was at its most severe in the southern part of the country and recorded that “Among pregnant women in the south, HIV prevalence is reported to be six-to-eight times higher than around Khartoum in the North.” [21] (p34) A February 2004 IRIN PlusNews Report recorded that “Southern Sudan was thought to have a higher prevalence than the north as a result of conflict, frequent movement across borders, severe economic disparity and poverty, said Hind [Hassan, the Sudan focal point with UNAIDS].” [15q]
- 5.129 IRIN reported in October 2003 that “Condoms are not freely available and at the price of 500 Ugandan shillings (25 cents) for a packet of three, they are a luxury many can’t afford.” [15f] (p3) However, a February 2004 IRIN PlusNews report stated that “Sudan’s first free voluntary counselling and testing (VCT) centre for HIV/AIDS is being established in Juba, a southern garrison town.” [15q]
- 5.130 According to the July 2004 WHO Country Profile for HIV/AIDS Treatment, “The Health Secretariat of the Sudan People’s Liberation Army [SPLM/A] drafted an HIV/AIDS policy in 2001 for the south that was endorsed by the leadership of that movement. In 2002, the New Sudan National AIDS Council was created to monitor and evaluate the implementation of the policy.” [29a] (p1) However, the Country Profile also stated that “Blood-banking facilities and regulations for blood testing do not exist in the south, which also suffers from a serious lack of health care personnel trained in antiretroviral therapy.” [29a] (p2)
- 5.131 According to IRIN’s October 2003 PlusNews Web Special Report: “Inevitably, the provision of treatment [in south Sudan] is still a distant reality.” [15f] (p3) The report also stated that “Funding is another issue.” Applications for HIV/AIDS activity funding in 2002 and in May 2003 were reportedly turned down by the Global Fund for HIV/AIDS, Tuberculosis and Malaria. [15f] (p3) A year later, in October 2004, IRIN reported that the same concerns about a sharp increase in infection rates in south Sudan due to improved mobility, ignorance and social attitudes, and the lack of supplies remained. [15d]

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EDUCATION

- 5.132 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft

constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 13 of the draft INC recorded that:

- “(1) (a) The State shall promote education at the primary, secondary and tertiary levels, all over the Sudan and shall ensure free education at the primary level and in illiteracy eradication programme The State, within the limits of its economic capacity, shall make education affordable at other levels;
 (b) Any person or group of persons shall have the right to establish and maintain private schools and other educational institutions at all levels in accordance with the conditions and standards provided by law;” [4b] (p7)

- 5.133 Prior to the signing of the INC, the *Encyclopaedia Britannica* (EB) 2004 recorded: “A modern educational system was established in The Sudan in the 1970s when the government reorganized a haphazard system of schools inherited from the British colonial government.” [6c] (p3) EB 2004 also reported:

“It [the national educational system] consists of a six-year curriculum for primary (or elementary) schools and a three-year curriculum for junior secondary schools, from which students can progress to any of three types of schools: a three-year higher secondary school to prepare students for higher education; a four-year commercial, agricultural, or other technical school; or a four-year teacher training school.” [6c] (p3-4)

- 5.134 The US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, reported that “The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university.” [3b] (section 4)

- 5.135 USSD 2004 also recorded that:

“The Government’s commitment to children’s rights and welfare was uneven throughout the country....There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the north, [whilst] boys and girls generally had equal access to education (50 percent and 47 percent, respectively), girls were more affected by early marriage and the fact that many families with restricted income choose to send sons and not daughters to school....Nomadic groups also were disadvantaged.” [3b] (Section 5)

- 5.136 The report stated that “Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education because of inadequate facilities or because they could not afford the fees.” [3b] (Section 4)
- 5.137 EB 2004 further stated that “The primary language of instruction in the nation’s primary schools, in both the north and south, is Arabic.” [6c] (p4) EB 2004 also recorded that “English was formerly the medium of instruction in the nation’s universities and secondary schools but has now been largely replaced by Arabic.” [6c] (p4) USSD 2004 recorded that “Citizens in Arabic speaking areas

who did not speak Arabic experienced discrimination in education, employment, and other areas.” [3b] (Section 5)

See also Section 6.B: [Children](#)

- 5.138 Europa 2005 recorded that, according to the United Nations Educational, Scientific and Cultural Organisation’s (UNESCO) Institute for Statistics, 200,538 people were studying at university in Sudan in 1996/97. [1] (p1111) USSD 2004 recorded that “More than 60 percent of university students were women, in part, because men were conscripted for war.” [3b] (Section 5)
- 5.139 According to the Sudan-American Foundation for Education (SAFE), which donates to various organisations and institutions in Sudan, there are over 30 universities, colleges and other educational institutes in Sudan. [53] (p1, 3-4) Among those institutions that SAFE has assisted are the Ahfad University for Women in Omdurman, the International African University, Al Neelain University and Omdurman Islamic University. [53] (p3-4) Also benefiting were Sennar University, the Sudan University for Science and Technology in Khartoum, University of Juba, University of Khartoum and the El Zaiem El Azhari University College. [53] (p3-4)

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SOUTH SUDAN, INCLUDING SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 5.140 On 17 June 2004 the UN’s Integrated Regional Information Networks (IRIN) reported that a study, conducted by the New Sudan Centre for Statistics and Evaluation (NSCSE), in association with the UN Children’s Fund (UNICEF), had ranked southern Sudan as the worst in the world in many of the key indicators, including education, of the wellbeing of women and children. [15ai] *Encyclopaedia Britannica* 2004 (EB 2004) stated that “The south remains the most educationally deprived region of the country, with less than one-seventh of the total number of primary schools, despite having one-fourth to one-third of the country’s total population.” [6c] (p4) USSD 2004 recorded that “In the urban areas of the south, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls.” [3b] (Section 4) EB 2004 recorded that “The southern partisans operate schools in the areas they control, but their resources are extremely limited.” [6c] (p3)
- 5.141 USSD 2004 stated that “Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education because of inadequate facilities or because they could not afford the fees.” [3b] (Section 4) IRIN reported in April 2005 that “According to aid workers in southern Sudan, there are few schools in the region and the quality of education offered is low, mainly because of the lack of trained teachers.” [15cy] Also in April 2005, the news organisation recorded that school attendance, particularly for girls, was low in the south and, in June 2005, IRIN reiterated that there were too few trained teachers in the south to provide an adequate education system. [15cz, 15ee]

See Section 6.B: [Children](#)

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

- 6.01 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 27 of the draft INC stated that:

“This Bill of Rights is a covenant between the Sudanese people and between them and their governments at every level and also a commitment to respect and promote the human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan; the State shall guarantee, protect, and fulfil this Bill; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill;” [4b] (p13)

- 6.02 Prior to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2004), which was published on 28 February 2005, stated that “The Government’s human rights record remained extremely poor, and, although there were improvements in some areas, numerous, serious problems remained.” [3b] (p1) In 2004 and 2005 the abuse of individuals and groups, and the severe restriction of fundamental freedoms, were reported in detail by international human rights groups such as Human Rights Watch (HRW), Amnesty International (AI) and the World Organisation Against Torture (OMCT). [10a-10v] [11a-11ax] [42a-42p] Sudanese human rights organisations, the Sudan Organisation Against Torture (SOAT) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) also continued to report on human rights abuses throughout 2004 and 2005. [23a-23bb] [61a-61s]
- 6.03 According to USSD 2004 the “Security forces and associated militias were responsible for extra-judicial killings and disappearances.” [3b] (p1) The report also stated that the “Security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were reports of torture.” [3b] (p1) Various human rights groups, including AI, HRW, OMCT, the Committee to Protect Journalists (CPJ), Reporters Sans Frontieres (RSF), SOAT and SHRO-Cairo reported on specific cases concerning the violation of the human rights of organisations, various groups and individuals perceived as government opponents throughout 2004 and into 2005. [11a-11j, 11l-11m, 11o-11p, 11r-11w, 11y-11ad, 11ag-11ai, 11al, 11an-11aq, 11at-11av, 11ax] [10a-10b, 10d-10g, 10i-10l, 10n, 10p, 10r-10t, 10v] [42a-42p] [32a-32b] [33a-33j] [23a-23am, 23ao-23bb] [61c, 61f-61h, 61j, 61l-61p] USSD 2004 stated that “Government security forces and pro government militias acted with impunity.” [3b] (p1)
- 6.04 The International Crisis Group’s (ICG) April 2005 report, ‘A New Sudan Action Plan’, on the situation in south, west and east Sudan, and on the condition of the Khartoum government, commented that:

“Despite the passage of important resolutions by the UN Security Council in the last week of March 2005, the situation in Sudan remains grave. In Darfur, where as many as 10,000 people or more, overwhelmingly civilians, continue to die each month, stronger measures are still needed to restore security and prevent further mass deaths. More effective measures are also needed to preserve and implement the peace deal that in January 2005 ended the 21-year conflict between the Khartoum government and the insurgent Sudan People’s Liberation Army/Movement (SPLA/SPLM), and to forestall the outbreak of serious new civil conflict in the eastern part of the country.” [63f] (p1)

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THE NORTH-SOUTH CONFLICT

- 6.05 USSD 2004 stated that “In the southern [former] war zone, the SPLM/A [Sudan People’s Liberation Movement/Army] controlled large areas of the states of Equatoria, Bahr el Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal.” [3b] (Section 1g) The report also recorded that “A cessation of hostilities, first signed in 2002, was extended and was largely respected during the course of the year [2004], although there were some violations by both sides.” The report continued: “The Civilian Protection Monitoring Team (CPMT) and the Joint Military Commission operating in the Nuba Mountains had considerable success in monitoring and curbing serious abuses during the year [2004].” [3b] (p1)
- 6.06 The CPMT is responsible for investigating allegations of attacks and human rights abuses against civilians in connection with the conflict in the south and the Cessation of Hostilities signed by the Government and the SPLM/A. [60] (p1) The CPMT investigated 44 allegations made against members of the Government’s forces or militias between April 2004 and August 2005, of which 39 were substantiated, in whole or in part. [60b-60i, 60k-60r, 60t-60v, 60x-60z, 60ad-60ae, 60ag-60ai, 60al-60an, 60aq-60as, 60av, 60ax-60bg, 60bl-60bm] In July and August 2005 the CPMT also reported on two other allegations against Government forces or militias but these were inaccessible at the time of writing so the outcome of these investigations was not known. [60bl-60bm]
- 6.07 The UN’s Integrated Regional Information Networks (IRIN) reported in November 2004 that the SPLM/A, Government forces and other armed militias had built up their forces in the Upper Nile region. [15br] (p1) The report added that clashes between armed militias and attacks on villages, purportedly by government forces, had occurred. [15br] (p1) USSD 2004 recorded that, unlike in 2003, there were no reports of a systematic scorched-earth policy designed to remove populations from the areas of the oil pipeline and oil production by Government forces or allied militia during 2004. [3b] (Section 1a)
- 6.08 IRIN continued to report on the situation in, and in relation to, south Sudan during 2005, covering issues such as the lack of infrastructure, humanitarian concerns, continuing abuses by armed Sudanese groups and the Lord’s Resistance Army (LRA), and the sustainability of the peace agreement. [15p, 15u, 15aw, 15bw, 15by, 15ca-15cb, 15cg-15ch, 15ck, 15cs-15cu, 15cy-15cz, 15db-15dd, 15df, 15dh-15dj, 15dq, 15dx, 15ed-15eh]

HUMAN RIGHTS ABUSES COMMITTED BY THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A) AND ARMED FACTIONS IN SOUTH SUDAN

- 6.09 USSD 2004 recorded that rebel insurgent groups and associated militia forces continued to commit many serious abuses and that there were reports of SPLM/A abuse of citizens' rights in 2004. [3b] (Sections 1a, 1c, 1d, 1f, 1g, 2a, 2d, 6a, 6d) The report stated that "The SPLM/A and allied insurgent forces displaced, killed, and injured civilians, raped women, and destroyed clinics and dwellings intentionally [during 2004]." [3b] (Section 1g)
- 6.10 USSD 2004 recorded that "There was a rash of violence, with killings committed by both the Government and SPLM/A, in the Shilluk Kingdom after Dr. Lam Akol defected from the government-affiliated SPLM-United to the main SPLM/A." [3b] (Section 1a) The CPMT investigated 19 allegations against the SPLM/A between April 2004 and August 2005, and substantiated, in whole or in part, nine separate allegations that the members of the SPLM/A had committed attacks, including the killing and wounding of civilians. [60a, 60j, 60s, 60w, 60aa-60ac, 60af, 60aj-60ak, 60ao-60ap, 60at-60au, 60aw, 60bb-60bc, 60bi-60bj] In August 2005 the CPMT also reported on one other allegation against SPLM/A forces but this was inaccessible at the time of writing so the outcome of this investigation is not known. [60bo]
- 6.11 On 16 February 2005 the UN's Integrated Regional Information Networks (IRIN) recorded that "A memorandum of agreement between the International Committee of the Red Cross (ICRC) and the Sudanese government could soon see more than 750 prisoners held by the southern Sudan People's Liberation Movement/Army (SPLM/A), freed." [15bk] The ICRC recorded that, in July 2005, "Around 300 people formerly held by the Sudan People's Liberation Army (SPLA) were freed at the beginning of July and returned to Khartoum. Most of them had been held for a period of several years, and some for up to fifteen years." [58c] (p1)

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NORTH-SOUTH PEACE TALKS AND THE COMPREHENSIVE PEACE AGREEMENT (CPA)

- 6.12 USSD 2004 stated that "The regional Intergovernmental Authority on Development (IGAD), under Kenyan leadership, continued to seek an end to the country's 21-year North-South civil war [during 2004]." [3b] (p1) It further stated that "On December 31 [2004], representatives of the Government and the Sudan People's Liberation Movement Army (SPLM/A) [sic] initialed a comprehensive peace agreement to be signed formally on January 9, 2005. All of the protocols, including those on wealth-sharing, power-sharing, and the status of the three contested areas were signed in June." [3b] (p1)
- 6.13 The UN's Integrated Regional Information Networks (IRIN) reported that the government and the SPLM/A had also signed a permanent ceasefire on 31 December 2004. [15bq] Reliefweb, Africa Research Bulletin, the BBC and IRIN recorded, in varying detail, that the Comprehensive Peace Agreement (CPA) was formally signed on 9 January 2005 and later ratified by the parliaments of north Sudan and the SPLM/A on 2 February 2005 and 24 January 2005, respectively. [75] [51] [14w, 14ab, 14af, 14ag] [15al, 15bn, 15bp] Reliefweb reproduced the text of the CPA and attached the text of all previous agreements to which

the CPA referred. [75] These were the Machakos Protocol, of 20 July 2002, the Agreements on Security Arrangements and Wealth Sharing, of 25 September 2003 and 7 January 2004 respectively, and the Protocols on Power Sharing and the three disputed areas – Southern Kordofan, Blue Nile and Abyei Province – of 26 May 2004. [75] In January 2005 the BBC reported that “The Sudan government has signed a preliminary peace agreement with the main opposition umbrella group, the National Democratic Alliance [NDA].” [14ad] IRIN also produced an article on the NDA-Government of Sudan agreement. [15aq]

- 6.14 A number of reports, published both before and after the signing and ratifications of the CPA, outlined and discussed the challenges and prospects for a lasting peace between north and south Sudan. [11q] [14ab] [15ar] [23av] [65c] [63b] [52b] IRIN, in January 2005, pointed to the lack of accountability for past crimes – as did Human Rights Watch (HRW), the Sudan Organisation Against Torture (SOAT) and Amnesty International (AI) – the ongoing crisis in Darfur and the insecurity caused by rivalries between the government-backed Nuer and SPLM/A-backed Shilluk tribes in Upper Nile. [11q] [15ar] [23av] The Institute for Security Studies’ (ISS) 2004 African Security Review Vol. 13 No 3 published an article entitled ‘Peace in Sudan – Who will pay the price of principle?’. [65c] This article also pointed to the situation in Darfur and the apparent lack of democratic reform in the Navaisha Agreement as potential stumbling blocks to the CPA’s successful implementation. [65c]

IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT (CPA)

- 6.15 The June 2005 Report of the UN Secretary-General (UN SG) on the Sudan reported on the progress made on implementing the CPA by the Government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A). [2m] The UN SG’s report recorded various reasons why the successful implementation of the CPA might still come under threat, such as the continued presence of armed groups in the south and the various changes to political and social life in Sudan; the UN SG remarked that “These challenges are enormous and require from the two parties full mobilization of their institutional capacity, human resources and political will.” [2m] (p2)
- 6.16 Nevertheless, the UN SG was positive in his consideration of the attitude of the Government of Sudan and the SPLM/A: “While the two parties have not been able to adhere strictly to the timetable they set for the implementation of the Comprehensive Peace Agreement, they have fulfilled their commitments and demonstrated a realistic appreciation of the tasks involved as well as respect for the expectations of the Sudanese people for peace after more than two decades of war.” [2m] (p2)
- 6.17 Other organisations, such as the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), the Sudan Organisation Against Torture (SOAT), the UN Integrated Regional Information Networks (IRIN) and Amnesty International (AI), whilst welcoming the progress made by the Government of Sudan, were critical of some measures already undertaken, the speed with which the implementation process was progressing and the continued abuse of human rights, which was contrary to the spirit and letter of the agreement. [61q-61r] [23i, 23bc-23be] [15u, 15aw, 15bw, 15cb, 15ch, 15ct-15cu, 15cy, 15dh, 15dj, 15ef-15eg] [11n, 11ai-11aj]

- 6.18 SOAT's May-June 2005 newsletter recorded that "Six months after the signing, SOAT has noted changes, which while not overwhelming, are significant in the Equatorial states as a direct consequence of the signing of the CPA. *[sic]* These states, which were government, controlled during its two decades war with the SPLA has seen the lifting of curfew and a lessening in the severity of human rights violations committed by government forces." [23bd] (p6) The newsletter continued:

"Nevertheless, with the exception of sporadic attacks by the Lord['s] Resistance Army (LRA), the Ugandan rebels who roam the suburbs of Eastern Equatorial State usually heavily armed who in March shot and burned to death 10 civilians travelling to Torit on the Juba Torit road, systematic violations of human rights by government forces in the South which were the mainstay of the conflict appear to have been if not eradicated then reduced in its *[sic]* intensity and frequency. Reported violations have reduced dramatically over the last six months. Nonetheless, flogging, an inhumane and degrading punishment continues to be imposed for certain types of crime including theft, notwithstanding that this punishment constitutes cruel, inhuman and degrading treatment according to the UN Convention against Torture and the International Covenant of Civil and Political Rights." [23bd] (p6)

- 6.19 Meanwhile, SHRO-Cairo noted that, in the wider context of the whole of Sudan, "The [peace] agreements, as they stand today, are not perfectly comprehensive because they were not fully representative of the North and the South as a whole. Unless this shortcoming is resolved, the danger of a new conflict would not be removed between North-South, North-North, or South-South." [61r]

- 6.20 In July 2005, the International Crisis Group (ICG) released its report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which stated that "The main obstacles [to successfully implementing the CPA] are the old regime's lack of will to embrace genuine power sharing and elections, and ultimately allow a southern self-determination referendum after the six-year interim period and lack of capacity in the South to establish and empower basic structures of governance." [63h] (Executive Summary and Recommendations) The report continued:

"Most members [National Congress Party (NCP)] recognise the free and fair elections required in 2009 would likely remove them from power. Many also fear the selfdetermination referendum will produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There are signs the NCP seeks to undercut implementation through its use of the militias (the South Sudan Defence Forces, SSDF), bribery, and through the tactics of divide and rule. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising that the referendum can be postponed indefinitely without its being blamed." [63h] (Executive Summary and Recommendations)

- 6.21 The ICG report went on to discuss the terms of the CPA; including potential pitfalls in the Agreement itself, the importance of political inclusivity, the role of the SSDF, the SPLM's internal difficulties, and disagreements over oil boundaries and revenues. [63h] Following the apparently accidental death of John Garang in an air crash in late July 2005, the ICG released a report in August 2005 on the implications of his death for peace in Sudan, which discussed the violence his Garang's death sparked around the country, the effect on the SPLM and the

Government of Sudan, and the regional implications of his death. [63i] The report stated that “The country is at risk of eventually losing a peace agreement that was already looking somewhat shaky.” [63i] (p1)

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed factions - central and south Sudan and Section 6.C: Internally displaced persons;
Annex B: Sudan People’s Liberation Movement/Army and National Democratic Alliance

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THE DARFUR CONFLICT

- 6.22 The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations Secretary-General, which extensively recorded and examined the Darfur conflict, reported that “The roots of the present conflict in Darfur are complex. In addition to the tribal feuds resulting from desertification, the availability of modern weapons, and the other factors noted above, deep layers relating to identity, governance, and the emergence of armed rebel movements which enjoy popular support amongst certain tribes, are playing a major role in shaping the current crisis.” [2c] (p22) USSD 2004 reported that members of the sedentary groups in Darfur, in the form of the Sudan Liberation Army (SLA), in February 2003 inaugurated a campaign of attacks against government installations, police barracks, and Khartoum-installed leaders due to what they perceived as a lack of government protection and marginalisation of their region. [3b] (p11-12) The ICI report stated that:

“Most reports indicate that the Government was taken by surprise by the intensity of the attacks, as it was ill-prepared to confront such a rapid military onslaught. Furthermore, the looting by rebels of Government weaponry strengthened their position. An additional problem was the fact that the Government apparently was not in possession of sufficient military resources, as many of its forces were still located in the South, and those present in Darfur were mainly located in the major urban centres.” [2c] (p23)

- 6.23 The report continued: “From available evidence and a variety of sources including the Government itself, it is apparent that faced with a military threat from two rebel movements and combined with a serious deficit in terms of military capabilities on the ground in Darfur, the Government called upon local tribes to assist in the fighting against the rebels. In this way, it exploited the existing tensions between different tribes.” [2c] (p24) The ICI found that many Arab nomadic tribes responded to the call with a view, at least in part, to obtaining land for themselves, as did tribes from Libya, Chad and other states. [2c] (p24) The report stated that “These new ‘recruits’ were to become what the civilian population and others would refer to as the ‘Janjaweed’, a traditional Darfurian term denoting an armed bandit or outlaw on a horse or camel.” [2c] (p24)
- 6.24 Between April 2005 and August 2005 human rights organisations such as Amnesty International (AI), Human Rights Watch (HRW) and Physicians for Human Rights (PHR) issued a number of reports on the situation in Darfur. [11d, 11l, 11u-11v, 11x-11ac, 11ae-11ah, 11ak, 11am, 11an 11as-11at, 11aw] [10f-10g, 10j-10k, 10l-10u] [17] [42m] The Sudan Organisation Against Torture (SOAT) and the Sudan

Human Rights Organisation-Cairo (SHRO-Cairo) reported on abuses against individuals, groups and villages in 2004 and 2005. [23b, 23e-23t, 23v, 23x-23ac, 23ae, 23ag, 23aj-23ak, 23am, 23ao, 23ar-23av, 23ax] [61b, 61j] Al and the World Organisation Against Torture (OMCT), whose information is largely provided by SOAT, also reported on such abuses committed in the region during the same period. [11a-11b, 11d, 11l, 11o-11p, 11s-11v, 11x-11ah, 11ak, 11am-11ao, 11at, 11aw-11ax] [42a-42h, 42j-42n, 42p]

- 6.25 As of July 2004 the African Union (AU) Cease Fire Commission (CFC) had published reports on breaches of the cease fire agreement of April 2004, in which the CFC found that Government of Sudan forces, including allied militias, were guilty of committing violations of the cease fire during the period July 2004 to January 2005. [27a-27u, 27x-27ah, 27ak-27bc] News organisations, such as the British Broadcasting Corporation (BBC) and the UN's Integrated Regional Information Networks, also closely reported on developments in Darfur throughout 2004 and 2005. [14f, 14t-14u, 14x-14y, 14aa, 14ah-14aj] [15y, 15am-15ap, 15ar, 15au-15av, 15ax, 15bc-15bd, 15bg, 15bl-15bm, 15bx, 15bz, 15ce-15cf, 15cj, 15cl-15co, 15cr, 15cv-15cx, 15da, 15dc, 15dg, 15dq-15dw, 15dy, 15ea, 15ei-15ej, 15el]
- 6.26 Many of the human rights reports produced between April 2004 and August 2005 expressed extreme concern at the numerous killings and serious human rights abuses and atrocities being carried out against the population in Darfur by militia apparently acting systematically, with government support and impunity. National and international human rights organisations, the UN and the US all concurred that human rights abuses continued to occur in Darfur during 2004 and 2005. [61b, 61d, 61j] [11d, 11l, 11u-11v, 11x-11ac, 11ae-11ah, 11ak, 11am, 11an 11as-11at, 11aw] [10f-10g, 10j-10k, 10l-10u] [17] [42m] [2c, 2e, 2h, 2j-2l, 2n-2r] [3d-3f] In a report to the UN Security Council in June 2004, the UN Secretary-General alluded to the wider implications of the ongoing crisis in west Sudan: "[Similarly,] the catastrophic situation in Darfur is a problem that will make a Sudanese peace agreement much harder to implement." [2g] (p7)
- 6.27 The US Department of State released a report on its investigation of the human rights abuses being committed in Darfur in September 2004 and, alluding to this report, USSD 2004 claimed that "Information available by September 9 indicated that genocide had been committed in Darfur, and the Government and the jinjaweed bore responsibility." [3b] (Section 1a) [3e] However, the January 2005 ICI report concluded that, although serious human rights abuses were committed and some of the perpetrators may have acted with genocidal intent, genocide itself had not occurred:

"The Commission concluded that the Government of the Sudan has not pursued a policy of genocide. Arguably, two elements of genocide might be deduced from the gross violations of human rights perpetrated by Government forces and the militias under their control. These two elements are, first, the *actus reus* consisting of killing, or causing serious bodily or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction; and, second, on the basis of a subjective standard, the existence of a protected group being targeted by the authors of criminal conduct. However, the crucial element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned. Generally speaking the policy of attacking, killing and forcibly displacing members of some tribes does not evince a specific intent to annihilate, in whole or in part, a group distinguished on racial, ethnic, national or religious grounds. Rather, it would seem that those

who planned and organized attacks on villages pursued the intent to drive the victims from their homes, primarily for purposes of counter-insurgency warfare.” [2c] (p4)

- 6.28 The UN Secretary-General’s (UN SG) report of 4 February 2005 stated that “The past six months have seen the Government progressively implement some of the elements from a range of obligations in the security, human rights, humanitarian and political spheres. Progress has been neither steady nor even and some areas have been completely neglected.” [2e] (p2) HRW’s November 2004 report, ‘ “If We Return, We Will Be Killed” Consolidation of Ethnic Cleansing in Darfur’, recorded that:

“After more than twenty months of conflict in the Darfur region of western Sudan, the situation is more complex and volatile than it has ever been. Despite an April 2004 ceasefire signed by the two main rebel groups—the Sudan Liberation Army Movement (SLA/M) and the Justice and Equality Movement (JEM)—and the government, and the presence of 136 African Union (A.U.) ceasefire observers, protected by 625 A.U. troops, attacks on civilians and ceasefire violations continue on a daily basis.” [10a] (p7)

- 6.29 AI’s October 2004 report, ‘Civilians Still Under Threat in Darfur’, reported that:

“[AI] Delegates spoke to hundreds of displaced persons in camps or towns in North, South and West Darfur and in the capital, Khartoum. Similar accounts were repeated over and over again: the arrival of armed men, often described as wearing khaki and accompanied by members of the Sudanese army, who attacked villages, burned homes, and looted herds and goods. Villagers were killed and in many villages women were raped and carried off for days into sexual slavery. Some have not yet returned. In some areas the Sudanese air force used Antonov planes, MIG jet fighters or helicopter gunships to bomb towns or villages. Testimonies indicate that bombing attacks continue.” [11ah] (p2)

- 6.30 USSD 2004 reported that “Fighting in Darfur destroyed hundreds of villages as well as cattle and other property. Both government-affiliated and rebel forces were guilty of looting and razing villages and IDP camps (**see Section 1.g.**).” [3b] (Section 1f) The UN SG’s report stated that “The Government has informed the United Nations and others of a limited number of prosecutions and convictions of Janjaweed and members of regular and semi-regular security forces, but they apparently were not persons with leadership responsibility for major human rights abuses.” [2e] (p4) Thus, the report recorded that the “Disarmament and arrest of the perpetrators of these brutal acts is the single most important demand of the Council and the clearest case of failure by the Government to live up to its responsibilities.” [2e] (p2)

- 6.31 HRW and AI concurred that impunity remained a major problem, with HRW stating that:

“While there has been growing international pressure on the Sudanese government to disarm the Janjaweed, little or no progress has been made on this front. Instead, militia leaders who participated in atrocities and government officials who directed or sanctioned such abuses remain in place, sometimes in high-level positions. Given this glaring impunity, their emboldened followers

continue to rape, loot, and pillage with no fear of sanction or other consequence.” [10a] (p8) [11d, 11u, 11ah]

- 6.32 The UN SG’s February 2005 report recorded that “On the eve of the next round of talks in Abuja on 7 December [2004], the Government began a series of offensive operations it termed ‘road clearing’, in particular in Southern Darfur. In fact, these operations, which included de facto coordination with militia, involved not only clearing the roads, but ground up to 20 km on each side. The ‘clearing’ involved the burning of villages and looting, causing additional displacement. It ceased in mid-December.” [2e] (p3) However, the report added that, despite the government’s agreement not to perform a similar operation in North Darfur, in mid-January such activities resumed, apparently in tandem with militia attacks, “So a pattern arose of a combination of military and militia forces attacking rebel positions and burning villages. The attack on Hamada village on 13 January 2005 represented a particularly severe case, with large numbers of women and children killed.” [2e] (p3)

- 6.33 In March 2005, International Crisis Group (ICG) released the report, Darfur: The Failure to Protect, which stated that:

“The situation on the ground shows a number of negative trends, which have been developing since the last quarter of 2004: deteriorating security; a credible threat of famine; mounting civilian casualties; the ceasefire in shambles; the negotiation process at a standstill; the rebel movements beginning to splinter, and new armed movements appearing in Darfur and neighbouring states. Chaos and a culture of impunity are taking root in the region.” [63e] (Executive Summary and Recommendations)

- 6.34 The ICG report ‘AU Mission in Darfur: Bridging the Gap’ of July 2005 recorded that:

“2005 has seen a decline in major combat between government forces and the two main rebel groups – the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Both sides have sent public and private signals that they are restraining their forces to improve the chances for peace. From the government side, Vice President Ali Osman Taha has arranged high-level tribal reconciliation conferences in Khartoum and Tripoli, as well as Darfur, during the last two months. It would be wrong, however, to conclude that any of this indicates a genuine change of strategy by the parties. It is a reaction to mounting international pressure.” [63g] (p2)

- 6.35 As of April 2005, the UN SG began producing monthly reports on the situation in Darfur in which he reported on issues such as the insecurity in the region, the protection of civilians, the humanitarian situation, forced returns and relocation, and the peace process. [2n-2r] In his August 2005 report the UN SG warned of the need to reverse the descent into ‘warlordism’ and criminal behaviour, remarking that:

“While the daily rate of casualties from fighting has declined in recent months, the damage to the social and economic fabric in Darfur and the longer-term costs of this conflict are steadily becoming clearer. The descent into lawlessness by the armed movements, unprecedented criminality in Nyala and violence against humanitarian workers and property in some camps for

internally displaced persons is a dangerous pattern that demands urgent corrective action by the parties.” [2r] (p6)

See also Section 5: Judiciary/North, south and west Darfur; Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition factions - Darfur; Section 6.B: Ethnic groups/Darfur; Section 6.C: Internally displaced persons/Darfur and Refugee movement within neighbouring countries

HUMAN RIGHTS ABUSES COMMITTED BY OPPOSITION FACTIONS IN DARFUR

- 6.36 USSD 2004 stated that “There were reports of Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM) killings in Darfur.” [3b] (p4) The UN SG’s February 2005 report recorded that “The Sudan Liberation Movement/Army (SLM/A) sought to claim a wider area of Darfur as being under their control, taking positions along several routes of strategic importance. This led to greater insecurity on the roads and a rise in commodity and transport costs.” [2e] (p3) The report also stated that, in November 2004, “They [the Government of Sudan, SLM/A and the Justice and Equality Movement (JEM)] pledged an end to attacks and committed themselves to ending reprisals or retaliation for acts that had taken place before the agreement. In spite of this opportunity, November [2004] saw SLM/A aggressively violating its commitment to the protocol in a marked rise in attacks against police positions.” [2e] (p3)
- 6.37 Human Rights Watch (HRW) released reports in April 2004 and April 2005 entitled ‘Darfur in Flames: Atrocities in Western Sudan’ and ‘Darfur: Aid Workers Under Threat’, respectively, that cited the abuses committed by the SLA and the JEM. [10f, 10p] Amnesty International’s (AI) reports, ‘Sudan: Civilians Still Under Threat in Darfur’ and ‘Sudan: Darfur: What hope for the future?’, published in October 2004 and December 2004, respectively, also recorded abuses committed by the SLA. [11ak] [11d] As of July 2004 the African Union (AU) Cease Fire Commission (CFC) had published reports on breaches of the cease fire agreement of April 2004, in which the CFC found that the rebel SLM/A, JEM and the National Movement for Reconstruction/Reform and Development (NMRD) were guilty of committing violations of the cease fire during the period July 2004 to January 2005. [27a-27u, 27x-27ah, 27ak-27bc]
- 6.38 ICG’s March 2005 report stated that “Unlike the government and its militias, the insurgents have largely refrained from targeting civilians, although there have been exceptions, and several incidents since late October 2004 indicate this may be changing for the worse.” [63e] (**The SLA and JEM – Increased Divisions, Increased Fighting**) As of April 2005, the UN Secretary-General (UN SG) began producing monthly reports on the situation in Darfur in which he cited violations of the cease fire by the three main rebel groups, including the NMRD who was not officially party to the cease fire agreement. [2n-2r] The UN SG also recorded abuses against civilians and humanitarian workers committed by the rebel forces in Darfur. [2n-2r]

See also Section 6.B: Ethnic groups/Darfur; Annex B: Justice and Equality Movement, National Movement for Restoration/Reform and Development and Sudan Liberation Movement/Army

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DARFUR PEACE TALKS

- 6.39 In August and September 2004, IRIN and the BBC reported on the troubled Darfur peace talks, whilst, in November 2004, they reported that there had been a breakthrough in the peace talks, due to African Union (AU) proposals on security in Darfur. [14l, 14n-14o, 14r] [15w-15x, 15az, 15bb] Protocols on humanitarian access and security in the region were adopted by the Government, SLM/A and the JEM, despite the government's earlier refusal to participate in talks with the JEM, in Abuja, Nigeria on 9 November 2004, and were published on the AU website. [27v-27w]
- 6.40 The AU reported that the fourth round of the talks officially closed on 21 December 2004, with a commitment by the Government, SLM/A and the JEM to respect the ceasefire of April 2004, and the protocols of November 2004, and to seek a peaceful solution to the conflict. [27aj] However, IRIN reported that little progress had been made and, although the parties had recommitted themselves to the ceasefire, the AU's chief ceasefire monitor had reported that, given that there had been a massive influx of arms and ammunition, more fighting was inevitable. [15at]
- 6.41 On 28 February 2005 the UN published the 'Report of the independent expert on the situation of human rights in the Sudan, Emmanuel Akwei Addo'. [2j] The report recorded the continuing human rights abuses committed against internally displaced persons (IDPs) in Darfur and the particular threat of violence, including rape, against women. [2j] (p9-11, 13-15) The report stated that "The Darfur peace process is in jeopardy, as rebels walked out of talks in Abuja in protest against two weeks of onslaught by the Government. The situation in the region seems to be deteriorating sharply. The rebels have grown more intransigent, and security on the ground is getting worse." [2j] (p3)
- 6.42 The AU published the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, which had been signed on 5 July 2005 at the close of the fifth round of the peace talks. [27bd] The Declaration listed the principles under which future peace talks would be guided and stated that these principles constituted the basis for a just comprehensive and durable settlement of the conflict in Darfur. [27bd] (p1)
- 6.43 The UN SG began to publish monthly reports on the situation in Darfur as of April 2005. [2n-2r] His August 2005 report remarked that "The Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed in Abuja on 5 July, has been favourably received in Darfur. The third armed movement in Darfur, the National Movement for Reform and Development, has been quoted as agreeing to abide by the Declaration of Principles when it met the Government in El Fasher on 19 July [2005]." [2r] (p5) The UN SG continued, "The Declaration of Principles was an important milestone, creating political momentum for the Abuja process by providing an outline for a peace agreement to be discussed by the parties starting on 24 August [2005]. The forthcoming round will, for the first time, address complex and divisive issues, such as sharing power and wealth, necessitating careful preparations beforehand." [2r] (p5)
- 6.44 The Sudan Organisation Against Torture's (SOAT) July - August 2005 newsletter recorded that:

“Steps towards [a] peace agreement has [*sic*] been hindered somewhat by reportedly [*sic*] breaches in the SLA command structure[.] SOAT calls on the SLA leadership in the interest[s] of their own people to overcome their current differences, immediately reconcile their differences with the JEM; and to spend their efforts on resolving the conflict and reaching a peace agreement with the government in Khartoum to allow the 1.9 million people displaced in Darfur to return to their villages.” [23be] (p6)

- 6.45 The UN SG’s August 2005 report also stated that “Although internal divisions within SLM/A remain rife and will undoubtedly pose a challenge to the next round, the signing of an agreement between SLM/A and JEM in Tripoli on 18 July [2005] will go some way towards unifying the rebels’ positions on key issues. However, renewed fighting between the Government of the Sudan and SLM/A on 23 July [2005] threatens to complicate further the next round of talks.” [2r] (p5)
- 6.46 An African Union press release of 24 August 2005 announced that “The sixth session of the Inter-Sudanese Peace Talks on the conflict in Darfur, will be convened in Abuja, Nigeria, on 15 September 2005. The negotiations on the substantive issues of Power Sharing, Wealth Sharing and Security Arrangements, will be preceded by workshops for the participants.” [27ai]

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FREEDOM OF SPEECH AND THE MEDIA

- 6.47 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 39 of the draft INC stated that:
- “(1) Every citizen shall have the right to the freedom of expression, reception of information, publication, and access to the press without prejudice to order, safety and public morals as determined by law;
- (2) The State shall guarantee the freedom of press and other media including the right to information in a competitive environment as shall be regulated by law in a democratic society;” [4b] (p16)
- 6.48 Previous to the signing of the INC, in its Annual Report covering events from March 2004 to March 2005, the Sudan Organisation Against Torture (SOAT) recorded that “Freedom of expression remained under threat, government security forces regularly engaged in brutal crackdown on press freedom, cultural traditions, and civil society.” [23b] (p2) The Sudan Human Rights Organisation-Cairo’s (SHRO-Cairo) Human Rights Quarterly reported on various incidents of repression against news organisations and individual journalists in the period October 2004 to February 2005. [61j] (**The Freedom of Publications and Expression**)
- 6.49 The US State Department’s Human Rights Report for 2004 (USSD 2004), which was published on 28 February 2005, recorded that the Sudanese Government severely restricted the right to freedom of expression [during

2004]. [3b] (Section 2a) The Committee to Protect Journalists (CPJ) recorded only one incident of harassment of members of the press in 2004 and three incidents in 2005, at the time of writing. [32a-32b] Whilst Reporteurs Sans Frontières (RSF) reported on nine separate incidents of harassment or censorship between May 2004 and August 2005. [33b-33j]

- 6.50 In a July 2005 press release, RSF noted the apparent improvement in media freedom, following President al-Bashir's 10 July 2005 announcement that press censorship would be lifted, when the ban on the Khartoum Monitor was removed stating that "The end of censorship of this newspaper, which follows the lifting of the state of emergency, seems to herald a new era for the Sudanese press," the organisation said. [33i] Nevertheless, in August 2005, the same organisation reported on the repressive measures taken against two Arabic newspapers, recording that "The printing press that produces the Al Watan and Al Wan newspapers was raided at around 4 a.m. on 6 August by members of the security forces, who ordered the presses to stop and confiscated all available copies. No official explanation was given by the Sudanese intelligence services." [33j]
- 6.51 Additionally, SOAT produced a newsletter every two months that detailed various human rights abuses, including incidents involving the suppression or denial of freedom of expression. [23e-23i, 23bc-23be] Between May 2004 and August 2005, every issue contained information on the restriction of the media, or on the harassment, detention or arrest of members of the press. [23e-23i, 23bc-23be] USSD 2004 stated that "The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government – particularly regarding government actions and policies in Darfur, through the National Press Council and security forces." [3b] (Section 2a)
- 6.52 Freedom House's (FH) 'Freedom of the Press 2005: Global Survey of Media Independence' recorded that "National security legislation and other laws empower authorities to conduct prepublication censorship, confiscate or ban publications, and detain and fine journalists. As a result, many journalists practice self-censorship." [54a] (p190) Amnesty International noted, in April 2005, that "The Sudanese media received a circular instructing them not to comment in favour of the resolution which refers the situation in Sudan to the Prosecutor of the International Criminal Court. The media coverage has been predominantly of criticism of the resolution. Reporting about Darfur is also heavily censored." [11at] (p2)
- 6.53 USSD 2004 concurred: "Journalists were arrested and detained during the year." [3b] (Section 1d) The report also stated that "Journalists practiced self censorship, and the Government confiscated entire issues of newspapers if it objected to an article." [3b] (Section 2a) FH's 2005 Survey ranked Sudan as 45th of the 48 countries in Sub-Saharan Africa and joint 185th out of 194 countries worldwide in terms of press freedom. [54a] (p13, 14)

See also Section 6.A: Freedom of Speech and the Media/Journalists

SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS AND AREAS CONTROLLED BY ARMED OPPOSITION FACTIONS

- 6.54 USSD 2004 stated that "The SPLM/A and the umbrella opposition National Democratic Alliance provided few opportunities for journalists to report on their

activities. The SPLM/A restricted the freedom of speech among populations under its control.” [3b] (Section 2a)

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NEWSPAPERS

6.55 USSD 2004 stated that:

“There were a large number of daily newspapers, mainly in urban areas, and differing political views were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one formally government-controlled newspaper in Arabic and one in English, although security services also controlled other newspapers. A number of independent publications were under intensive scrutiny during the year and experienced intimidation, interruption, and arrest of their editors.” [3b] (Section 2a)

- 6.56 The International Federation for Human Rights (FIDH) and the Sudan Organisation Against Torture’s (SOAT) May 2004 report, ‘Sudan: One step forward, many steps back’, recorded President al-Bashir’s August 2003 decree that lifted press censorship. [22a] (p24) However, the report continued, “This exercise [the lifting of press censorship] became a moot point as the NSA continued its activities against the press in less than three weeks of the issuing of the decree.” [22a] (p25) The report also recorded the involvement of Mohammed Farid Hassan in the continuation of press repression: “In further steps, the security forces, in close collaboration with the ‘Crimes against the State’ prosecutor, Mr Mohamed Farid, have started implementing a new policy of harassing the media and ‘the press’, by introducing a new suspension policy for long periods under the excuse of ‘until the investigations are finished’.” [22a] (p25)
- 6.57 FH’s 2005 Survey recorded numerous incidents of repression and stated that “In 2004, the government instituted even harsher legal restrictions under the Sudanese Press and Printed Materials Act, which the press freedom organization Article 19 decried as rendering ‘independent and critical journalism virtually impossible.’ The quasi-official National Press Council is responsible for applying the press law and has the power to license and suspend newspapers.” [54a] (p190)
- 6.58 SOAT’s September 2004 report stated that “As of 11 September 2004, ‘Pre-censorship’ has been imposed by the NSA. Chief Editors of all Sudanese news papers have been instructed not to report any news concerning the situation in Darfur or the National Popular Congress (PNC), headed by Hassan Al Turabi, with the exception of information released by the government.” [23br] (p1) USSD 2004 also recorded that “Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations.” [3b] (Section 2a)
- 6.59 SOAT also reported that “The newspaper [*Al-Mushahid*] was confiscated [on 18 January 2005] following the publication of a poem by the poet Hashim Siddig on 17 January 2005.” [23as] (p1) The NSA had resumed the ‘pre-censorship’ policy of reviewing and ordering the removal of articles prior to the printing of

newspapers, or confiscating all copies of an edition prior to distribution, in September 2004. [23br] (p1) [23as] (p1) The US State Department's Religious Freedom Report for 2004 (USSD RF 2004), released on 15 September 2004, reported that "Newspaper suspensions continue, but not specifically for religious reasons as in the period covered by the previous report. For example, any mention of Darfur has been the main excuse for shutting down the press, including the English-language Khartoum Monitor, as well as numerous Arabic papers." [3f] (Section II)

- 6.60 The UN's Integrated Regional Information Networks (IRIN) recorded on 24 May 2005 that the "Sudanese authorities on Saturday [21 May 2005] shut down the Khartoum Monitor (KM), a newspaper located in Arkawait town near the capital, Khartoum, following a disagreement over two articles that the paper had planned to publish." [15dm] SOAT also reported on the incident. [23a] The paper was able to resume business the following day, IRIN reported. [15dm] In June 2005, SHRO-Cairo reported its belief that the "Continuous harassment, including intimidating arbitrary arrests and meaningless security interrogation of journalists, besides a distasteful suspension of Afaq journal and a license withdrawal from the Khartoum Monitor by abusive legal decisions, clearly testifies to the aggressive, non-compromising methods of the government vis-à-vis the public efforts to pursue normal life in the transition to permanent peace and democratic governance." [61p]

TELEVISION, RADIO AND THE INTERNET

- 6.61 USSD 2004 reported that "The Government directly controlled radio and television and required that they reflect government policies." [3b] (Section 2a) FH's 2005 report concurred: "Domestic broadcast media are directly controlled by the government and are required to reflect official views, though some foreign programs are available." [54a] (p190) USSD RF 2004 recorded that "In the south, there are reportedly three television stations featuring a number of Christian programs." [3f] (Section II)
- 6.62 USSD 2004 stated that "Television has a permanent military censor to ensure that the news reflected official views. During the year [2004], the first private FM radio station began operating in Khartoum, broadcasting music. The Government often charged that the international, particularly the Western, media had an anti Sudan and anti Islam bias. Some foreign radio broadcasts were available in the country." [3b] (Section 2a) The British Broadcasting Corporation's (BBC) August 2005 Country Profile on Sudan also recorded that the Government retained control of the Sudanese media. [14b] (p2)
- 6.63 USSD 2004 noted that "In spite of the restrictions on ownership of satellite dishes, citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs." [3b] (Section 2a) According to the BBC's January 2005 Profile, "Satellite dishes are becoming common in affluent areas and pan-Arab TV stations are popular among viewers." [14b] (p2)
- 6.64 FIDH and SOAT's May 2004 report 'Sudan: One step forward, many steps back' reported that there was some room to provide for an alternative voice in the area of radio broadcasting, but that:

“Otherwise, state owned media is predominantly used as a ‘propaganda’ tool rather than an informative medium. Radio and television, at the regional level, have the same policy of an attuned ‘one voice’ and the non-existence of any alternative views. The different ethnic, religious, cultural diversities of Sudan are not represented or given a chance to share or express any information, views or concerns they have.” [22a] (p24)

- 6.65 USSD 2004 stated that “The Government did not restrict access to the Internet.” [3b] (Section 2a) However, on 9 July 2004, the Sudan Organisation Against Torture (SOAT) reported that “As of 12.30pm on Wednesday, 7 July 2004, the internet site, Sudanese Online, has been blocked from viewing....Allegedly, the [National Security Agency’s] order [to block the site] was due to continued publication of news, reports and discussions by the website that were deemed a national security threat.” [23i] Amnesty International, in an August 2004 report on ‘Intimidation and denial: Attacks on freedom of expression in Darfur’, also reported on the blocking of the website, stating that “In July 2004 this outlet was briefly closed by the government.” [11o] (p5)

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JOURNALISTS

- 6.66 USSD 2004 recorded that “The Government commonly employed the tactic where state’s attorneys summoned the editors of newspapers and detained them all day so that they could not do their work.” [3b] (Section 2a) CPJ, RSF, FIDH and the Sudanese human rights organisation, SOAT, all reported on incidents of varying levels of censorship and harassment, including the imprisonment of the editor of the daily *Al-Sahafa*, during 2004 and 2005. [32a-32b] [33b-33e, 33g] [22a] [23w, 23bi, 23br, 23bt-23bx] RSF’s Annual Report 2005 recorded that “Opposition journalists were often thrown into jail in Sudan under repressive laws that permit inordinately long periods of preventive custody.” [33a] (Introduction Africa/The repressive reflexes of aging regimes)

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FREEDOM OF RELIGION

- 6.67 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article five of the draft INC recorded that:

“The State shall respect the following religious rights:

- (a) To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes,
- (b) To establish and maintain appropriate charitable or humanitarian institutions,
- (c) To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,
- (d) To write, issue and disseminate religious publications,
- (e) To teach religion or belief in places suitable for these purposes,

- (f) To solicit and receive voluntary financial and other contributions from individuals and private and public institutions,
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief,
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,
- (i) To communicate with individuals and communities in matters of religion and belief at national and international levels;" [4b] (p4-5)

6.68 Article 38 of the draft INC stated that:

"Every one shall have the right to the freedom of conscience and religious creed, and shall have the right to declare his/her religion or creed and manifest the same, subject to requirements of law and public order, by way of worship, education, practice or performance of rites or ceremonies; no one shall be coerced to adopt such faith, as he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent;" [4b] (p15)

6.69 Previous to the signing of the INC, the US State Department's Religious Freedom Report for 2004 (USSD RF 2004), released on 15 September 2004, reported that "The [1998] Constitution provides for freedom of religion; however, in practice the Government continues to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party." [3f] (p1) USSD RF 2004 also recorded that:

"While it remains to be seen what effect the Naivasha Protocols and other agreements will have in practice, these agreements clearly establish the principle of freedom of religion throughout the country and grant specific states (including those covered by the protocols: Southern Kordofan/Nuba Mountains, Abyei, and Upper Blue Nile) powers over judicial and social matters and primary and secondary education to ensure this in practice at the state and local level." [3f] (p1)

6.70 USSD 2004 also stated that "Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering." The report continued that "At times police on university campuses are stricter about women following a dress code, but women are often seen in public wearing trousers or with their heads uncovered. These acts are violations of regulations against indecency, but the Public Order Police generally only issued warnings for improper dress." [3b] (Section II) USSD RF 2004 further reported that:

"There continued to be improved dialogue and interaction between Muslims and Christians through SIRC [Sudan Inter-Religious Council], although feelings of mistrust and lack of confidence remained among non-Muslims. Different religious groups also conduct dialogue through the SCC [Sudan Council of Churches]. There were several conferences on religion hosted by international NGOs that resulted in spirited discussion but reached no consensus, particularly on the interpretation and application of Shari'a law and its prescribed Hudud punishments. Catholic Church officials continued to have doubts about working with the SIRC because they believe it is totally government-controlled, it does not represent grassroots communities, and its board is made up of selected Muslim clergy and SCC staff who make all the decisions." [3f] (Section III)

See also Annex E: [Religions of Sudan](#)

ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

- 6.71 Freedom House's (FH) Freedom in the World Country Report for 2005 stated that "Under the 1994 Societies Registration Act, religious groups must register in order to legally gather. Registration is reportedly difficult to obtain." [54c] (p599) USSD RF 2004 reported that:

"Religious organizations and churches are subject to the same restrictions that are placed on nonreligious corporations. Religious groups, like all other organizations, are supposed to be registered to be recognized or to assemble legally. However, registration reportedly is no longer necessary; and the churches, including the Catholic Church, have declared they are not nongovernmental organizations (NGOs) and declined to register." [3f] (Section II)

- 6.72 The report also stated that "The Guidance and Endowment Minister has denied building permits to most non-Muslim religious groups, alleging that local restrictions prohibit building places of worship in residential neighborhoods due to considerations of noise, numbers of worshippers, and other factors. The last permit was issued around 1975." [3f] (Section II) FH's country report 2005 also reported that "The government denies permission to build churches and sometimes destroys Christian schools, centers, and churches." [54c] (p600) USSD RF 2004 recorded that "The Khartoum State government continues the practice of razing the residences and temporary religious buildings constructed by IDPs, although at times the Government has razed the houses and spared makeshift churches. [3f] (Section II)

- 6.73 USSD RF 2004 reported that "The Government considers itself an Islamic government, and Islamization is an important objective. Muslims may proselytize freely in government-controlled areas. The Government has been less restrictive of Christian groups with an historical presence in the country and also in areas controlled by the Sudan People's Liberation Army (SPLA) in the south." [3f] (Section II) According to FH's World Country Report on Sudan, "Roman Catholic priests face random detention and interrogation by police." [54c] (p600) USSD RF 2005 continued:

"While non-Muslims may convert to Islam, the law makes apostasy (conversion from Islam to another religion) punishable by death. The Government continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, although two Jehovah's Witnesses confirmed their increased ability to move around the country and open places of worship without restriction. The Government restricts at least one Islamic group, Taqfir al-Hijra, which conducted violent acts against other Muslims." [3f] (Section II)

- 6.74 USSD RF 2004 reported that:

"Security forces hold wide authority and monitor both churches and mosques. Security and police forces have not detained persons because of practicing their religious beliefs and have not interfered with actual religious worship, which are not illegal activities. Christian women are still arrested for making and distributing homemade brews, but the Government claims the arrests are made only because alcohol is illegal and violates criminal law. There have been

complaints about the public order police (religious police) jumping walls and entering non-Muslim houses to check for alcohol. These police have been known to harass non-Arab Muslims, as well. The public order police have the security forces' support but have been less invasive than in previous years." [3f] (Section II)

- 6.75 USSD RF 2004 further stated that "Although the Government has not interfered with actual worship and does not arrest or detain persons for practicing their religion per se, it treats its form of Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies. The Constitution provides that "Shari'a and custom are the sources of legislation." [3f] (Section II) The report also stated that "Non-Muslims and a large number of Muslims are outspoken about their unease with the general application of Shari'a law to their communities, especially but not limited to non-Muslims." [3f] (Section II)
- 6.76 USSD RF 2004 recorded that "In the last year, there were a number of sentences of flogging and cross-amputation, but few were carried out. However, in Darfur, these sentences are given to non-Muslims as well as Muslims. According to officials, under Hudud [law] there must be four witnesses to adultery." [3f] (Section II) The Sudan Organisation Against Torture (SOAT) concurred, reporting in March 2005 that "On 11 February 2005, police forces in Zalingy, Western Darfur State arrested a Mrs. Fanna Souker Saw, 26 yrs, a Christian woman belonging to the Dinka tribe on suspicion of committing adultery (Zina)." [23m] The report also stated that the woman would be at risk of the death penalty, if found guilty. [23m]

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FORCED RELIGIOUS CONVERSION

- 6.77 According to USSD RF 2004:

"Although some non-Muslims have converted under pressure to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of such forced conversions in the period covered by this report. However, some church leaders say that security forces in the south, in an attempt to garner votes for the referendum on north-south unity scheduled to be held 6 years after the peace agreement is signed, are rewarding persons for converting to Islam and that the Government's military forces are forcing some conversions to Islam." [3f] (Section II)

- 6.78 The report also stated that:

"Abandoned children taken off the streets are considered to be Muslim regardless of their origin, but the Government does not view this assumption of religion as forced conversion. Some Christians report pressure on their children in school as the teachers and other parents ask them why they are not Muslims. Teachers and media characterize non-Muslims as non-believers. In the south, non-Muslim widows whose husbands were killed in the war receive no benefits, while Muslim widows may qualify for land and government benefits or for assistance from Islamic charities; some women are believed to have converted to be eligible for such private or governmental assistance." [3f] (Section II)

SOUTH SUDAN, INCLUDING SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 6.79 USSD RF 2004 reported that "The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from Hudud law – the part of Shari'a which permits physical punishments, including flogging, amputation, and stoning." [3f] (Section II) USSD 2004 reported that "In SPLM/A controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favored secular government; however, Christians dominated the SPLM, and local SPLM authorities often had a very close relationship with local Christian religious authorities." [3b] (Section 2c)
- 6.80 Following the signing of the Comprehensive Peace Agreement on 9 July 2005, Freedom House's Center for Religious Freedom released a statement "‘This is a time of jubilation for the people of southern Sudan, and it is also a victory for religious freedom,’ said Center Director Nina Shea. ‘For the first time in a generation, the south Sudanese people have guaranteed rights to worship. Critical to the peace deal is Khartoum’s agreement to stop forcing Islamic sharia law on the south—the initial trigger for the 22 year-old civil war.’" [54d]

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FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.81 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 40 of the draft INC stated that:
- "(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
 - (2) The right to establish political parties, associations and trade or professional unions shall be guaranteed, the law shall regulate the exercise of this right as is necessary in a democratic society;
 - (3) No association shall function as a political party at the national level unless it:
 - (a) has its membership open to all Sudanese irrespective of religion, ethnic origin, sex or place of birth,
 - (b) has a programme that upholds the Comprehensive Peace Agreement, and conforms to this Constitution,
 - (c) has a democratically elected leadership and institutions,
 - (d) has disclosed and transparent sources of funding;" [4b] (p16)
- 6.82 Prior to the signing of the INC, the US State Department's Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, stated that:
- "The Government severely restricted the right to freedom of association. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked

to armed opposition to the Government. The Political Parties Act allows some formerly banned political parties to resume their activities; however, the parties were required to notify the registrar in writing to participate in elections. Observers believed that the Government controlled professional associations.” [3b] (Section 2b)

- 6.83 The same report recorded that “The major opposition political parties for the most part remained marginalized from the political process; however, as the peace negotiations progressed during the year, opposition parties became more vocal in their demand for inclusion, and the Government sought the support of some to add legitimacy to the agreements.” [3b] (Section 3)
- 6.84 Following an alleged coup attempt by the Popular National Congress (PNC), both IRIN and the Sudan Human Rights Organisation’s Cairo branch (SHRO-Cairo) in late September 2004 described the repressive security measures in place in the capital at that time. [15n] [61i] SHRO-Cairo stressed the organisation’s disquiet at the security measures in Khartoum and stated that “The Organisation is also concerned about the ‘bad faith nature’ of these measures that suggest massive political suppression rather than lawful police work.” [61i] (p2)
- 6.85 IRIN reported, in July 2005, on the release of the leader of the PNC, Hassan al-Turabi, who had been detained on suspicion of plotting a coup in September 2004. [15ec] IRIN also stated that “In his address to the nation, [President al-] Bashir also announced that the state of emergency, in place since 1989, would be lifted in all parts of the country except the western states of Darfur, and Red Sea and Kassala State in the east, as soon as the interim constitution was signed.” [15ec] Despite the Government’s claim that all political prisoners had been released, Al had published a list of persons suspected to still be in detention as of 30 June 2005. [11t]

See also Section 6.A: Freedom of assembly and association/Members and supporters of Popular/People’s National Congress (PNC/PC); Annex B: Popular National Congress

MEETINGS AND DEMONSTRATIONS

- 6.86 USSD 2004 reported that “All rallies and public demonstrations in the country are banned, and no permits were authorized or issued. The authorities generally permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they perceived were politically oriented. The Government used the state of emergency as an excuse to restrict gatherings.” [3b] (Section 2b) USSD 2004 also reported that the Islamic order Khatimia, which is associated with the Democratic Unionist Party (DUP), and the Islamic order Ansar, which is associated with the Umma Party (UP), both continued to be denied permission to hold large public gatherings during most of 2004. [3b] (Section 2b)
- 6.87 USSD 2004 recorded that the “Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, in Khartoum, at least 10 persons were injured late in the year when riot police using tear gas and batons broke up a demonstration by students from Darfur, who were asking for an end to the violence there.” [3b] (Section 2b) USSD 2004 added that “No action was taken

against security forces who used excessive force in 2003 or 2002.” [3b] (Section 2b) In late January, early February 2005 and March 2005, the BBC, SHRO-Cairo, AI, IRIN and SOAT all reported on the killings and arrests of demonstrators in Port Sudan, east Sudan when a demonstration against socio-economic and political marginalisation turned violent. [14z] [61f] [11c, 11e, 11ai, 11aq] [15be] [23b] (p16) SHRO-Cairo’s ‘Human Rights Quarterly’ of May 2005 recorded that “In February [2005], the Governor of the Red Sea State issued Decree No. 4/2004 prohibiting all assemblies or demonstrations ‘to ensure the public safety of the state’ based on the Sudan’s Constitution 1998 and the Emergency Law 1998.” [61j] (Public Freedoms) In July 2005, AI reported on the release of nine leading members of the Beja Congress who had been detained in connection with the demonstrations in January 2005. [11m]

- 6.88 An SHRO-Cairo report recorded that “In the city of Omdurman today, the 6th of April, 2005, the government’s police and security forces launched an aggressive attack to frustrate the Umma Party’s peaceful celebration of the national anniversary of the April Popular Uprising, which ended the dictatorial rule of the Sudan in 1985.” [61i] SOAT recorded the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations later the same month. [23u] SOAT also reported on the April arrest of students in connection with the same demonstrations, and the arrest of students – also in April – who were believed to have participated in a demonstration in support of Darfur’s referral to the International Criminal Court. [23w, 23aa]
- 6.89 IRIN reported on the April 2005 demonstrations against a UN resolution calling for those accused of crimes in Darfur to be tried by the International Criminal Court (ICC): “The demonstration, organised by the ruling National Congress Party, came two days after the Sudanese government rejected UN Security Council resolution 1593, adopted on 31 March.” [15co] The following day, IRIN reported on the banning of the Umma Party, recording that “The [news] agencies said security forces surrounded the party’s headquarters on Wednesday morning [6 April 2005], to stop a rally to celebrate the 20th anniversary of the fall of a previous regime. Scores of officials and party members were arrested.” [15cq]
- 6.90 AI reported, also in April 2005, on the release of four men, two of whom were relatives of some of the army officers summarily executed on 28 April 1990 for allegedly plotting a coup: “They were detained on 21 April [2005] because they had allegedly been planning an event to commemorate the fifteenth anniversary of the execution.” [11av]

See also Section 6.A: [Freedom of assembly and association/members and supporters of armed opposition groups - east Sudan](#);
Annex B: [Beja Congress](#)

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POLITICAL ACTIVISTS

- 6.91 According to USSD 2004, “There were no reports of politically motivated killings by the Government or its agents; however, there were reports of numerous extrajudicial killings.” [3b] (Section 1a) The report continued:

“There were reports that security forces tortured, detained without charge, and held incommunicado political opponents. Detentions of such persons generally were prolonged....Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day – a process that sometimes continued for weeks.” [3b] (Section 1d)

- 6.92 USSD 2004 also recorded that “There were reports of political prisoners. A considerable, but unknown, number of persons were imprisoned for political reasons but on ostensibly non-political charges.” [3b] (Section 1e) FIDH and SOAT’s May 2004 report stated that “Arbitrary arrests and harassment of political activists by the security forces continued all over the country.” [22a] (p30) The report acknowledged that “Positive steps were taken, for example where there were mass releases of political prisoners in Khartoum and Darfur, following an agreement between the SLA and GoS [Government of Sudan] in Abache, Chad in September 2003. Over 100 political activists were released in Khartoum and in Darfur.” [22a] (p30) However, the report continued, “In spite of this progress, the situation has almost reversed; members of the PNC and other political parties continue to face harassment and arbitrary arrests.” [22a] (p30)
- 6.93 According to numerous reports by human rights organisations, including Amnesty International (AI), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) and the Sudanese Organisation Against Torture (SOAT), throughout 2004 and 2005 the arrest of political opponents, including party members of Darfurian origin, and of persons believed to support the rebel groups in Darfur, continued. [11b-11c, 11d-11e, 11o-11q, 11s-11t, 11ab-11ac, 11al, 11at] [23b, 23e-23i, 23k-23l, 23p-23t, 23v, 23x-23y, 23aa-23ac, 23ag, 23aj, 23am, 23at-23au, 23ax] [42a-42b, 42c, 42e, 42h, 42k, 42m-42n] [61b, 61f, 61h, 61i-61j, 61m]
- 6.94 In August 2004, the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) reported that Ibrahim al-Sheikh, a leading member of a national group called Nida’ Darfur (The Darfur Call) and PNC activist, had been detained along with other members of Nida’ Darfur. [61c] The other members included Yousif Hussain, a Sudanese Communist Party (SCP) activist and Hassan ‘Abd al-Gadir Hilal, a DUP activist. [61c] Amnesty International recorded on 20 December 2004 that Abdelaziz Khalid Osman, a 60-year-old political opponent of the Sudanese government, had been released on 18 December 2004 after his extradition from the United Arab Emirates. [11n] The report continued, “According to the news agency Agence France-Presse (AFP), Abdelaziz Khalid Osman was granted an amnesty by President Lieutenant General Omar Hassan Ahmad al-Bashir following a commitment not to resume an armed struggle against the regime.” [11n]
- 6.95 USSD 2004 stated that “High ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.” [3b] (Section 1c) Further, that “On occasion, courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred.” [3b] (Section 1e) The report also stated that “Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes.” [3b] (Section 1e) It further reported that “Unlike in the previous year, there were no reports that security personnel routinely opened and read mail or monitored telephones, and there

were no reports of government forces occupying political party or NGO offices.” [3b] (Section 1f)

- 6.96 According to an Amnesty International public statement of July 2005, “The President of Sudan on 30 June promised to release political prisoners. Amnesty International has repeatedly called on Sudanese authorities to release all prisoners of conscience immediately and unconditionally and to release other political prisoners unless they are to be charged promptly with a recognisably criminal offence and given a fair trial.” [11t] The statement also asserted AI’s view that its published list of known political detainees was not representative of the true number of detainees held in Sudan, stating that “Families do not often know where detainees are being held. Prisoners are transferred from one place to another, while families must search for any information at all about their relative’s whereabouts. There is no public registry of detainees that relatives can consult.” [11t]

STUDENTS

- 6.97 According to the International Federation for Human Rights (FIDH) and the Sudan Organisation Against Torture’s (SOAT) May 2004 Report, ‘Sudan: One step forward, many steps back’, “Students remain the prime target of the NSA [National Security Agency], and are the most politically active group in the population that continue to be subjected to torture on a systematic pattern within the proscribed *[sic]* timescale for this report, March 2003 to March 2004.” [22a] (p27) The report described the risks faced by politically active students who were in opposition to the authorities: “This violence could involve clashes during protests resulting in physical damage; including bruised and broken bodies and physical and psychological torture during detainment by the security agencies, including punching and kicking to the body, utilisation of torture instruments such as hose pipes, and the issuance of death threats.” [22a] (p27)

- 6.98 SOAT recorded the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations in April 2005. [23u] SOAT also reported on the arrest of students in connection with the same demonstrations, and the arrest of students – also in April – who were believed to have participated in a demonstration in support of the referral of the Darfur crisis to the International Criminal Court. [23w, 23aa] SHRO-Cairo reported that on:

“Wednesday the 15th of June [2005], students supporting the ruling National Congress Party exercised acts of violence in the Omdurman Ahliya University against students supporting democratic organizations, as well as faculty members. Tens of people were gravely hurt; major university premises were illegally demolished, including offices of the president, the vice-president, dean of students, registrar of the faculty of economics and administrative sciences, environmental studies, university security, and the computer lab. Students supporting the ruling party aimed intentionally to stop elections of the Student Union that had been earlier suspended by the authorities eight years ago.” [61o]

- 6.99 The report continued:

“Regrettable reports indicated that the large destruction of the Ahlia *[sic]* University was carried out before eyes of the police and the security forces that did not move in any possible way to prevent the crime commission until a

number of students and a few faculty members tried their best to stop the aggression. Strangely enough, the police force arrested a number of these students and staff members, including student Adison Joseph Garang and the faculty members Tariq Osman and Abd al-Rafi' Mustafa who were further battered and abandoned in a remote area in the suburbs of Khartoum." [61o]

- 6.100 AI published a list of known political detainees in Sudan in June 2005 which contained a number of persons listed as students and an accompanying public statement dated 1 July 2005 remarked that "Students and members of marginalised groups, like the Nuba and people from Darfur, are most likely to be beaten and otherwise tortured after arrest." [11s-11t] SOAT also recorded a number of incidents of arrest, detention, and suspected or actual cases of torture – some of which resulted in deaths – against students mostly of Darfuri origin in 2004 and 2005. [23b, 23e-23i, 23k-23l, 23u, 23w, 23aa-23ab, 23ax, 23bb]

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MEMBERS AND SUPPORTERS OF THE POPULAR/PEOPLE'S NATIONAL CONGRESS (PNC/PC)

- 6.101 USSD 2004 recorded that "Hassan al-Turabi's PNC remained a proscribed political organization." [3b] (Section 3) The UN's Integrated Regional Information Networks (IRIN) stated on 9 September 2004 that "The government last year [2003] accused Turabi of sedition and claimed that his party was supporting the rebel Justice and Equality Movement in the western region of Darfur. The movement claims to be fighting to end the marginalisation of the area. Turabi, whose party was banned in March [2004], has been under house arrest." [15m] (p1)
- 6.102 On 9 September 2004, IRIN and the Sudan Human Rights Organisation's Cairo branch (SHRO-Cairo) reported that at least between 14 and 33 political activists and military personnel had been arrested in connection with an alleged conspiracy to overthrow the government. [15m] [61h] SHRO-Cairo reported that "Other sources indicated that the number exceeded that figure [33]." [61h] (p1) On 15 September 2004, the British Broadcasting Corporation (BBC) reported that the PNC's representative had denied the party's involvement in an alleged coup plot and that "Some 70 PNC [Popular National Congress] members have been arrested since Friday [10 September 2004] and one has died in detention, he said." [14ag] (p1)
- 6.103 The BBC report also recorded that "Security forces say they seized 100 Kalashnikovs, 10 RPG mortars and other weapons from an arms cache in a suburb of the capital Khartoum over the weekend." [14ag] (p1) SHRO-Cairo claimed that extremist elements within the ruling regime had pursued the arrests to halt attempts by more moderate elements to reconcile the National Islamic Front and the PNC, whilst the PNC's Europe representative told the BBC he believed that the government was trying to deflect attention away from the ongoing crisis in Darfur. [61h] (p1) [14ag] (p1)
- 6.104 USSD 2004 recorded that "In September, two men died while in government custody after being arrested in a crackdown on supporters of Hassan Al-Turabi. The Government reported that they arrested two members of the security services in connection with this incident, but no known action had been taken by year's end." [3b] (Section 1a) Amnesty International (AI) also reported on the Khartoum arrests in September 2004 of PNC and suspected PNC members,

including the death of two student members of the PNC – a Darfuri and a Nuba – both of which may have been caused by torture or ill treatment. [11ae] The Sudanese Organisation Against Torture (SOAT) also reported on the death of the Nuba student. [23ar]

- 6.105 The BBC continued to report on the events surrounding the alleged coup plot throughout September 2004 including, on 30 September 2004, that “At least 28 people, mostly members of the security forces, have been charged with trying to overthrow Sudan’s government in a coup.” [14k, 14r-14s] The BBC report stated that “AFP news agency report that they are members of the Islamist Popular National Congress of Hassan al-Turbai.” [14k] The BBC also stated that “Several of the suspects are from Darfur, the prosecution says.” [14k]
- 6.106 Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT) recorded that Darfuris residing in Khartoum and Darfur were arrested and detained on suspicion of involvement with the alleged coup attempts of March 2004 and September 2004. [11u] (p20-21) [23ag] [23bt] (p3, 5) [23bw] (p4-5) [23bx] (p11) AI reported that “Those targeted for arrest include high-profile members of the Popular Congress and lower-profile members of the Popular Congress, in particular students. Students and people from marginalised areas such as Darfur are particularly at risk of torture: two students from the Popular Congress died in custody after their arrest in September 2004.” [11u] (p20)
- 6.107 At the end of June 2005, AI released a list of known political detainees in the Sudan. [11s] The human rights organisation’s accompanying public statement of 1 July 2005 stated that “Of 355 political detainees known to Amnesty International, only Shaikh Hassan al-Turabi, the founder of the Popular Congress, is known to have been released so far, after 15 months under house arrest in Khartoum without charge or trial.” [11t] However, a SOAT press release of 5 July 2005 reported that seven other members of the PNC had also been released. [23aw] IRIN also reported on the release of al-Turabi, recording the President’s claim to have released all political detainees and that the “Security authorities released Turabi, secretary-general of the Islamist opposition party, the Popular National Congress, and all other political detainees shortly after the President’s announcement, the official Sudanese news agency reported.” [15ec]
- 6.108 AI remarked that “For most of the 69 Popular Congress members on the list, arrested during mass government round-ups in September 2004, even the nine months detention period without access to a judge allowed in Sudanese law has now expired. The government linked these arrests to a plot against the State, but few of those still detained have been brought to trial; many have not even been charged.” [11t] The Sudan Organisation Against Torture (SOAT) also reported on individual cases of PNC members being arrested, detained and tortured – sometimes resulting in deaths – during 2004 and 2005. [23b, 23e-23i, 23aa, 23aw]

See also Annex B: Popular National Congress

MEMBERS AND SUPPORTERS OF THE UMMA/UMMAH PARTY (UP)

- 6.109 SOAT’s newsletter of March - April 2005 recorded the arrest of three student members of the Umma Party (UP), stating that “Reportedly, the detainees were badly beaten by security agents. The students were distributing posters

announcing a UNP Conference to be held in Khartoum State on 24 April 2005.” [23bc] (p10-11)

- 6.110 The UN’s Integrated Regional Information Networks (IRIN) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) both reported on the disruption of a UP celebration to commemorate the anniversary of the April Popular Uprising, which ended the dictatorial rule of the Sudan in 1985. [15cq] [61i] SHRO-Cairo recorded that “The government forces terrorized the citizens participating in the celebration and then arbitrarily arrested the Umma Secretary-General, Dr. ‘Abd al-Nabi ‘Ali Ahmed, and other members of the party who were subjected to immediate interrogations and tortures before they were lately released. As a result of this offensive, the Umma’s peaceful celebration was abruptly prevented by the authorities’ unlawful use of force.” [61i]
- 6.111 Additionally, IRIN reported that “Subsequently, [UP] officials received a notification banning all political activities by the party, claiming it had not been properly registered.” [15cq] IRIN also reported that “Ummah’s leader, Sadiq al-Mahdi, had on Friday [1 April 2005] expressed support for a UN resolution calling for those implicated in crimes in Darfur to be tried by the International Criminal Court. ‘The Ummah Party is being targeted for their public support of the ICC resolution,’ a Sudanese official, who declined to be named, told IRIN on Thursday.” [15cq]

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MEMBERS AND SUPPORTERS OF ARMED FACTIONS – CENTRAL/SOUTH SUDAN

- 6.112 USSD 2004 recorded that “There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels; however, unlike in previous years, there were no such allegations that this took place in government controlled zones in the South and the Nuba Mountains.” [3b] (Section 1b) A June 2005 Associated Press news report, reproduced on the *Sudan Tribune* website, recorded that “The U.N. on Monday took over monitoring the cease-fire in Sudan’s Nuba Mountains, whose people found themselves wedged between the two sides in the civil war that has plagued the country, the world body said.” [20]
- 6.113 The Sudan Organisation Against Torture (SOAT) reported, in October 2004, on the arrest and alleged torture of Mrs Zubaida Rabih, a well-known activist in the Nuba Mountains, following a man’s arrest for alleged membership of the SPLA. [23bp] (p1) The report stated that “According to security officers, among the man’s possession [sic] found during his arrest was a letter from Mrs Zubaida to the SPLA’s women office leader.” [23bp] (p1) In January 2005, SOAT also reported on the arrest of Abdelgaleel Abu-amina, a sergeant in the Sudanese army and a member of the National Congress, ostensibly because of his participation in a festival in SPLM/A territory that was held to celebrate the signing of the Comprehensive Peace Agreement. [23b] (p16)
- 6.114 Amnesty International published a list of known political detainees in June 2005 and stated in a public statement on 1 July 2005 that the “Detention of people incommunicado leads to a situation where beating and other forms of torture are often carried out with impunity. Students and members of marginalised

groups, like the Nuba and people from Darfur, are most likely to be beaten and otherwise tortured after arrest.” [11t]

See also Section 6.B: Ethnic groups/Nilotes - Dinka, Nuer and Shilluk and Ethnic Groups/Nuba;

Annex B: Sudan People’s Liberation Movement/Army

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MEMBERS AND SUPPORTERS OF ARMED OPPOSITION FACTIONS - DARFUR

6.115 USSD 2004, Amnesty International (AI), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), the Sudan Organisation Against Torture (SOAT) and the World Organisation Against Torture (OMCT) all reported on allegations that the Government was responsible for the arrest, detention and disappearance of persons suspected of supporting rebels in the Darfur region during 2004 and 2005. [3b] (Section 1c) [11a-11b, 11d-11e, 11o, 11s-11t, 11ab-11ad, 11at] [61b, 61j, 61m] [23b, 23e-23i, 23k-23l, 23n, 23p-23t, 23x-23y, 23ab-23ac, 23ae, 23ag, 23aj, 23am, 23at-23au, 23aw-23ax] [42a-42c, 42e, 42h, 42k, 42m-42n] AI’s public statement of 1 July 2005, which accompanied the publication of a list of known political detainees, recorded that:

“At least a third of detainees [named on the list] were arrested in Darfur, most of them held arbitrarily in connection with the conflict. Many are still detained in Darfur; others have been transferred to Khartoum. They include community leaders, critics of government policy and people – including members of Arab groups – seeking to engage in reconciliation. Most have been arrested on suspicion of sympathising with the Darfur armed groups, however only 26% have been charged or brought to trial.” [11s-11t]

6.116 USSD 2004 stated that “Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under Special Courts.” [3b] (Section 1d) The report specifically mentioned the case of “Ali Dosa, a Member of Parliament [who was] arrested on charges of working with the Darfur rebels, [and] imprisoned for several months, although his parliamentary immunity was never lifted.” [3b] (Section 1e) The same report also recorded that “There were reports that government security forces tortured and beat persons suspected of supporting the rebels in Darfur.” [3b] (Section 1c)

6.117 Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT) recorded in October and December 2004, and January 2005, that Darfuris residing in Khartoum and other areas of north Sudan were arrested and detained, apparently on suspicion of supporting the armed opposition groups in Darfur. [11u] (p14-16) [23ao, 23bn, 23bq, 23bv] (p9, 10-11) The vast majority of the cases reported by AI and SOAT involved students, educated persons, or influential members of a tribe or community, such as Sheiks and Omdas. [11u] (p14-16) [23ao, 23bn, 23bq, 23bv] (p9, 10-11) AI also recorded in June and July 2005 that many detainees of Darfuri origin in Khartoum were detained in connection with events in Soba Aradi in May 2005. [11s] SOAT also reported on the Soba Aradi detentions, torture and trial outcomes. [23ad, 23af, 23ah] The public statement produced by AI in July 2005 reported that:

“Some 106 named in the list [of political detainees] were arrested in Soba Aradi squatter camp south of Khartoum, after clashes with the police that killed at least 14 policemen and possibly up to 50 residents. More than 100 others from Soba Aradi are believed to be detained. Some summary trials of those arrested in Soba Aradi have been held, where for the first time lawyers were able to meet the detainees who reported receiving daily beatings in police stations. Amnesty International is urging that these detainees be brought to fair trial on recognizable criminal charges or released, and that their reported torture be ended immediately.” [11t]

See also Section 5: [Judiciary/North, south and west Darfur](#);

Section 6.B: [Ethnic groups/Darfur](#);

Annex B: [Justice and Equality Movement](#); [National Movement for Restoration/Reform and Development](#) and [Sudan Liberation Movement/Army](#)

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MEMBERS AND SUPPORTERS OF ARMED OPPOSITION FACTIONS - EAST SUDAN

- 6.118 One report, USSD 2004, reported that “Several supporters of the eastern-based Beja Congress (BC) were detained in Kassala and Port Sudan, including 12 members arrested in Port Sudan on October 12.” [3b] (Section 1d) The report provided no further details or reason for their arrest. [3b] (Section 1d)
- 6.119 In late January and early February 2005, AI, the BBC, IRIN, SOAT and SHRO-Cairo all reported on the killing and arrest of demonstrators in Port Sudan, east Sudan. [11c, 11e] [14z] [15be] [23b] (p16) [61f] IRIN stated on 1 February 2005 that the January 2005 Cairo talks, at which the NDA and the Sudanese government had reached a preliminary settlement, were boycotted by the Beja Congress, which claims to represent some 4 million people in east Sudan. [15be] The BBC recorded that on 29 January 2005, “Members of eastern tribes – mainly Beja – presented a list of demands to the governor three days ago, including greater wealth and power sharing, Reuters news agency reported.” [14z]
- 6.120 The same report stated that “Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan.” [14z] SHRO-Cairo claimed on 30 January 2005 that “Further reports indicated that the murdered citizens were hunted by the police even inside their own dwelling areas where 2 women and a number of children were killed by police firearms.” [61f] AI condemned the use of excessive force to quell the demonstration and also claimed that houses were attacked using grenades. [11c] On 1 February 2005 SOAT recorded the details of those killed, the number of demonstrators who had been detained, and the locations of where the detained were thought to be held. [23b] (p16, 20) A May 2005 SHRO-Cairo report recorded that “A government-controlled committee (poorly-representative of the victimized Beja) has been established to investigate the Port Sudan massacres. But the committee has not yet produced any tangible results.” [61n]
- 6.121 SHRO-Cairo also stated that “In the meantime, SHRO-Cairo received reliable reports that the Sudan Government has escalated military action against the Beja forces in Tandli and al-Gash as well as Makali and Degain in the neighborhoods of Jebel Await near the Mokram Mountains of Kassala.” [61f] A February 2005 *Sudan Tribune* article reproduced interviews with an official of

the Beja Congress and the leader of the Free Lions Association, acquired from BBC Monitoring, that supported SHRO-Cairo's assertion that military action between government forces and Beja rebels had occurred. [12]

- 6.122 The interviewees also stated that Port Sudan was still under curfew and that "Arrests are continuing among Beja Congress students, leaders, and activists in Kassala, Port Sudan, and Al-Qadarif." [12] (p3, 1) SOAT recorded that "In the early morning of 1 February 2005, security forces in Port Sudan arrested Abdallah Mussa Abdallah, General Secretary of the Beja Congress in Red Sea State from his home in Port Sudan, eastern region of Sudan. On the same day the security forces also arrested senior members and activists of the Beja Congress in Port Sudan and Kassala." [23ak]
- 6.123 According to Al's May 2005 report, 'Political Repression in Eastern Sudan', "Scores of Beja were subsequently arrested between 29 January and 13 February by members of the National Security and Intelligence Agency in Port Sudan and Kassala. While the exact number of arrests is unknown, the semi official Sudanese Media Centre stated on 3 March that 199 of those arrested had been released and that four would be sent to court." [11ai] (p1) However, the report went on to list 16 members of the Beja Congress party who had remained in detention, without charge, for more than three months. [11ai] (p1)
- 6.124 Al's June 2005 'List of Political Detainees' recorded the details of those arrested and the accompanying public statement reported that "Among those believed to be detained in Khartoum are 18 supporters of the Beja Congress, arrested in Port Sudan or Kassala and transferred to Khartoum." [11s-11t] A July 2005 Al report recorded the release of nine Beja Congress detainees and stated that "Most of those arrested [in connection with the January 2005 demonstrations] were later released, but these men remained in custody, together with a further eight Beja men who were released on 30 June [2005]." [11m] SOAT also confirmed the release of sixteen members of the Beja Congress, including General Secretary Abdullah Mosa, on 30 June 2005. [23aw]
- 6.125 In April 2005, SOAT reported on the death of a student who was a member of the Beja students association and belonged to the Bani Aamir tribe. He was reportedly beaten with sticks and guns by the police whilst attending a demonstration in Khartoum and later died in hospital. [23u] In August 2005, SOAT recounted the harassment of a respected Beja writer and academic, and his son, over the content of the writer's book, *Beja Congress Past and Present*. The report stated that:

"The Director General informed him [Mr Mohamed Adroub Ohaj] that he was required to either amend or to delete the pages 54-55 and page 66-69 of the book before circulation because the text in those pages was critical of the government and posed a threat to national security. Mr. Ohaj refused and suggested that if the accuracy of those pages were in doubt, then a Court of Law ought to decide. Following this refusal, Mr. Ohaj was threatened and verbally abused." [23ba]

**See also Section 6.B: [Ethnic groups/East Sudan](#);
Annex B: [Beja Congress and National Democratic Alliance](#)**

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EMPLOYMENT RIGHTS

6.126 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 40 of the draft INC recorded that:

- “(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) The right to establish political parties, associations and trade or professional unions shall be guaranteed, the law shall regulate the exercise of this right as is necessary in a democratic society;”

6.127 Prior to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2003), published on 28 February 2005, reported that the rights of workers, as provided by the [1998] Constitution, were denied by the Government. [3b] (Section 6)

SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

6.128 USSD 2004 recorded that “The SPLM/A [Sudan People’s Liberation Movement/Army] and affiliated forces continued to force southern men to work as laborers or porters.” [3b] (Section 6c)

TRADE UNIONS

6.129 USSD 2004 stated that “Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned.” [3b] (Section 6a) Freedom House’s (FH) 2005 report on ‘The World’s Most Repressive Societies’ concurred, stating that “There are no independent trade unions [in Sudan].” [54b] (p79) The ‘Legitimate’ Sudan Workers Trade Union Federation (SWLTUF), which continued to be recognised by the International Confederation of Free Trade Unions (ICFTU), was the national trade union centre that had formerly functioned and operated in exile during 2004. [3b] (Section 6a)

6.130 The ICFTU’s ‘Annual Survey of Violations of Trade Union Rights (2004)’ stated that “There were no improvements [in 2003]. Sudanese legislation does not allow for any genuine trade union activity and none is tolerated outside the state-controlled SWTUF. Violations of labour decrees can be punished by death.” [56] (p1) USSD 2004 stated that “Unlike in the previous year [2003], there were no reports that union leaders were detained. The law does not prohibit anti union discrimination by employers.” [3b] (Section 6a) However, the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) reported in May 2005 that “On December 30 [2004], the authorities arrested al-Zain Qinawi, a trade unionist leader, who was suffering many illnesses at the time of arrest.” [61j] (Arbitrary Arrests)

6.131 According to USSD 2004, “There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student elections.” [3b] (Section 6b) The ICFTU’s Annual Survey (2004) claimed that the

situation of activists in Sudan was one of grave concern and that trade unionists, among others, had been harassed, intimidated, arbitrarily arrested, detained and tortured. [56] According to the ICFTU, "Trade unionists who do not tow *[sic]* the government's line live under constant fear." [56] (p2)

- 6.132 USSD 2004 and the ICFTU 2004 Survey agreed that the December 2000 Labour code denied trade union freedom and strengthened government control over trade unions. [3b] (Section 6b) [56] (p1) USSD 2004 stated that "The Labor Code denies trade unions autonomy to exercise their basic right to organize or to bargain collectively. The Labor Code defines the objectives, the scope of their activities, and their organizational structures and alliances." [3b] (Section 6b) FH's 2005 report on the World's Most Repressive Societies alleged that "Local union elections are rigged to ensure the election of government approved candidates." [54b] (p79)
- 6.133 USSD 2004 recorded that "Strikes were considered illegal unless the Government granted approval, which has never been given. In most cases, employees who tried to strike were subject to employment termination; however, workers who went on strike during the year were not terminated." [3b] (Section 6b) The 2004 ICFTU Survey concurred: "The government has never given its approval for strike action, hence any strikes that do take place are illegal. In most cases workers who try to go on strike are sacked." [56] (p3)

WAGES AND CONDITIONS

- 6.134 It was reported by USSD 2004 that "In April [2004], the Ministry of Labor and Administrative Reform, the Sudanese Businessmen, and Employers Federation, and the SWTUF agreed to raise the minimum wage to [US] \$48 (SDD 12,500) per month. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected." [3b] (Section 6e) According to USSD 2004, "The workweek was limited by law to an 8 hour day, with a day of rest on Friday, which generally was respected." [3b] (Section 6e) The report continued, "Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal." [3b] (Section 6e) FH's 2005 report on repressive societies recorded that "A lack of labor legislation limits the freedom of workers to organize or bargain collectively." [54b] (p79) USSD 2004 also remarked that "Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities." [3b] (Section 6e)

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SLAVERY AND FORCED LABOUR

- 6.135 Article 30 of the draft INC recorded that "Slavery and the slave trade in all their forms shall be prohibited; no one shall be held in slavery or servitude. No one shall be required to perform forced or compulsory labour except as a penalty by a court of law for certain crimes as determined by law," [4b] (p13)
- 6.136 Previous to the signing of the INC, USSD 2004 reported that "The [1998] Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued (**see Sections 5 and 6.d.**)" [3b] (Section 6c) The report continued "Security forces and associated

militias were responsible for forced labor (including forced child labor) and forced military conscription of underage young men. Child labor was widespread. Credible sources indicated that, unlike in previous years, slavery did not appear to be a significant problem.” [3b] (p2)

- 6.137 USSD 2004 recorded that “There were no confirmed reports of abductions in the southern part of the country, largely due to the cessation of hostilities in much of the South. In the past 15 years, an estimated 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, primarily Dinka, remained abducted or unaccounted for at year’s end.” [3b] (Section 1b) Also, “There were fewer reports during the year that government and government-supported militias abducted women for use as domestic servants, forced labor, or concubines (forced marriages) due to the continuation of the North-South cessation of hostilities.” [3b] (Section 5)

- 6.138 USSD’s June 2005 report on people trafficking stated that:

“The government made progress on identifying victims of abduction and reuniting them with their families. The government took over funding of the Committee for the Eradication of Abduction of Women and Children (CEAWC) in 2004. Given the conditions within which it operates, CEAWC is making a notable effort to seriously address trafficking, particularly through its efforts to identify victims of abduction and reunite them with their families. Of the 7,328 cases of abduction documented, 2,708 of those identified were returned to their families.” [3c] (p202)

- 6.139 USSD 2004 stated that “Unlike in previous years, credible sources indicated that slavery did not appear to be a significant problem. The Government continued to deny that slavery and forced labor existed, but CEAWAC acknowledged that abductions had occurred.” [3b] (Section 6c) USSD 2004 also recorded that “The Committee to Eradicate the Abduction of Women and Children (CEAWAC) continued to report a lack of necessary funding to document, rescue, and transport abductees back to their families. The Government did not identify the abductors or forced labor owners and has not prosecuted them.” [3b] (Section 1b)

- 6.140 USSD 2004 reported that “Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces. The SPLM/A and affiliated forces continued to force southern men to work as laborers or porters.” [3b] (Section 6c) USSD’s June 2005 ‘Trafficking in Persons’ report stated that “Victims frequently became part of the abductor’s tribal family, with many women marrying into the new tribe; however, some victims of abduction were used for forced domestic labor and/or sexual exploitation.” [3c] (p201) USSD 2004 recorded that:

“There were credible reports that intertribal abductions of women and children continued in the South. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. As intertribal fighting in the South decreased, the number of abductions also appeared to decline. The Government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation.” [3b] (Section 5)

- 6.141 USSD 2004 also stated that “There were fewer reports during the year that government and government-supported militias abducted women for use as domestic servants, forced labor, or concubines (forced marriages) due to the continuation of the North-South cessation of hostilities.” [3b] (Section 5) USSD’s June 2005 report on trafficking stated that “Due to the ongoing peace process and the cessation of conflict in the south, abductions in the region have significantly decreased; during the year, there were no known cases of new abductions in the south.” [3c] (p201)
- 6.142 In relation to the conflict in Darfur the report continued, “Women, after being raped, were sometimes mutilated or abducted for further sexual exploitation. Some children may also have been abducted, mostly to care for looted livestock.” [3c] (p201-202)

See also Section 5: Military service/Forced conscription, Military Service/ The Sudan People’s Liberation Movement/Army (SPLM/A) and Military Service/Armed opposition factions and other bearers of arms;
Section 6.B: Children/Forced labour, Children/Forced conscription in government-controlled Areas and Children/Forced conscription in Sudan People’s Liberation Movement/Army (SPLM/A) and armed opposition-controlled areas

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PEOPLE TRAFFICKING

- 6.143 The US State Department’s (USSD) June 2005 ‘Trafficking in Persons’ report stated that:

“The government’s anti-trafficking law enforcement efforts throughout Sudan were limited in 2004, and ineffective in Darfur. Articles 162 through 165 of the Sudanese Criminal Code outlaw all forms of trafficking in persons, including abduction, luring, forced labor, and illegal detention. Sudanese law prohibits prostitution, owning brothels, and pimping women or children. In early 2005, the Ministry of Interior outlawed the trafficking of children outside of the country for camel jockeying; the law was implemented by the Department of Passports and Immigration on March 1, 2005, leading to interrogations of adults attempting to board outbound airplanes or boats without the proper exit visa for accompanying children.” [3c] (p202)

- 6.144 Nevertheless, the report continued:

“Although Sudan’s laws appear adequate to cover the full scope of trafficking in persons, the official court system handled no trafficking-related prosecutions during the year. Based on an agreement with the Dinka Chief’s Committee to allow opportunity for amicable tribal return and reconciliation efforts to occur, the government is not pursuing legal action against abductors who cooperate with CEAWC and voluntarily return their abductees. If, however, an abductor refuses to comply, the government has committed to prosecuting such an individual as a trafficker. In 2004, all identified abductors reportedly cooperated to the extent of surrendering their abductees to CEAWC.” [3c] (p78)

- 6.145 According to USSD 2004, “Abductions and trafficking in persons occurred but appeared to decline.” [3b] (p2) USSD’s June 2004 report stated that “Sudan is a

source and destination country for trafficked persons; it also has a significant internal slavery problem.” [3c] (p78)

- 6.146 USSD 2004 stated that “Trafficking in women remained a problem but declined in scope during the year [2004].” [3b] (Section 5) The report further stated that, “Unlike in previous years, there were no credible reports that children were transported to the Persian Gulf to be used as jockeys in camel races or as laborers.” [3b] (Section 5) USSD 2004 also remarked that, “In addition to constitutional provisions, there are laws criminalizing specific conduct mentioned by the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons. Criminal law (Shari’a) and the State of Emergency Law prohibit all forms of sexual exploitation. Penalties include fines and imprisonment; however, no prosecutions took place under these laws during the year [2004].” [3b] (Section 5)
- 6.147 USSD stated, in its June 2005 report, that “The government did not provide protection to civilians against abuses in the Darfur region in 2004, or take action to stop them. However, it made stronger efforts to protect Sudan’s largest population of trafficking victims — abducted women and children — during the reporting period.” [3c] (p202-203) The report continued:

“The government did not take actions to prevent abuses in the Darfur region in 2004. During the year, CEAWC completed six field missions to identify and retrieve abducted people, each of which included an awareness raising component before the actual work of documenting abductees began. All members of the community, including the tribal leaders, were assembled to discuss the reunification work of CEAWC and the imperative to end inter-tribal abductions. In addition, CEAWC worked with the tribal leaders and UNICEF to conduct awareness raising discussions and other activities during market days in different regions.” [3c] (p203)

See also Section 6.B: Women and Children

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FREEDOM OF MOVEMENT

- 6.148 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 42 of the draft INC recorded that “(1) Every citizen shall have the right to the freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law;” [4b] (p17) Prior to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, stated that freedom of movement was restricted by the Government: “Movement was generally unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest.” [3b] (Section 2d)

PASSPORTS

- 6.149 According to the Danish ‘Report on Fact Finding Mission to Cairo, Khartoum and Nairobi in 2001’, the Passports and Immigration Department in Khartoum

issued national passports and “Any Sudanese citizen could have a national passport issued to him if he can produce valid proof of nationality and an identity card.” [9b] (p56) The report continued, “Sudanese citizens who were staying abroad and whose passport had expired could apply to the nearest Sudanese embassy or to the passport issuing authorities in Khartoum for a new passport.” [9b] (p56)

- 6.150 The Danish 2001 Fact Finding Report stated that “There were two types of passport which were normally used, one for business travellers (pale blue cover) and one for ordinary travellers (green cover).” [9b] (p56) The mission was also told that “From 2002 new technically improved passport types would be issued to replace the above, which were relatively easy to falsify.” [9b] (p56)
- 6.151 The Foreign and Commonwealth Office (FCO), in a letter dated 28 February 2005, described Sudanese passports as follows: “It’s green, has 64 pages and is initially valid for 2 years.” [25c] (p2)

EXIT VISAS

- 6.152 Article 42 of the draft INC recorded that “(2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law;” [4b] (p17) Previous to the signing of the INC, when the 2001 Danish report was published, two types of exit visa had been in use since May 1998; one type was issued to Sudanese nationals travelling abroad to work and the other type of exit visa was issued to everyone else. [9b] (p56) The FCO’s February 2005 letter stated that exit visas were still required to leave the country. [25c] (p2)
- 6.153 USSD 2004 recorded that “The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, in November [2004] a member of Hassan al-Turabi’s PNC was not allowed to travel to Kenya, and, in December [2004], a DUP member was denied permission to travel.” [3b] (Section 2d) The report also stated that “Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, especially for NC [National Congress] members.” [3b] (Section 2d)

AIRPORT SECURITY

- 6.154 The embarkation process at Khartoum Airport, at that time, was explained to the Danish Fact Finding Mission of 2001. [9b] (p56-57) Colonel Ismail H Rasoul of the Khartoum Airport Police told the mission that, after the first baggage check, the traveller has to present his passport with an exit visa, which is then stamped and the traveller himself completes a departure form, which is then registered on computer. [9b] (p56) The airport security police at Khartoum airport have a list of wanted persons, which is checked at this point of the embarkation process. [9b] (p56-57) The report stated that “His baggage is then checked by the customs authorities. Before a person gains access to the plane his passport is checked again.” [9b] (p57)
- 6.155 Three sources consulted by the Danish mission in 2000 agreed that, apart from those on the Government’s list of wanted persons; Sudanese citizens were easily able to resort to bribery to obtain passports and exit visas, and to pass by border control officers at that time. [9a] (p27-28) The 2000 Fact Finding Report

stated that “The authorities are not very well able to check on all departing passengers.” And that “This is due to shortage of financial resources and a general casualness about checks on departure.” [9a] (p28) The FCO letter of February 2005 stated that, whilst it was probable that bribery was used to obtain passports and visas, and to facilitate passage through immigration control, the FCO itself was unable to source or verify such assumptions. [25c] (p2)

AREAS CONTROLLED BY THE SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A) AND ARMED OPPOSITION FACTIONS

- 6.156 USSD 2004 reported that the SPLM/A, the Sudanese Liberation Army (SLA), and the Justice and Equality Movement (JEM) all restricted freedom of movement within areas under their control. [3b] (p2) According to the same report, “Citizens from the North or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners.” [3b] (Section 2d)

RETURNING SUDANESE NATIONALS

- 6.157 Article 42 of the draft INC recorded that “(2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law;” [4b] (p17) Previous to the signing of the INC, USSD 2004 reported that “The law prohibits forced exile, and the Government did not use it. [However,] Opposition leaders remained in self imposed exile in Cairo, Asmara, and other locations during the year.” [3b] (Section 2d)

See also Section 6.C: [IDPs/Returning refugees and IDPs](#)

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6.B HUMAN RIGHTS: SPECIFIC GROUPS

ETHNIC GROUPS

- 6.158 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 13 of the draft INC recorded that:
- (4) The State shall recognize the richness of the Sudan’s cultural diversity and shall encourage such multiple cultures to harmoniously flourish and find expression, especially through the official media and education;
 - (5) The State shall protect the Sudan’s cultural heritage, such as monuments and places and objects of national, historic or religious importance, from destruction, discretion, unlawful removal or illicit export;” [4b] (p7)
- 6.159 Article 47 of the draft INC stated that “Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures, practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures;” [4b] (p17) Article 156 of the draft INC recorded that:

“Without prejudice to the competency of any national institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing laws in the National Capital, be guided by the following:

- (a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions,
- (b) behaviour based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law shall be deemed in the eyes of the law as an exercise of personal freedoms,” [4b] (p62)

6.160 Prior to the signing of the INC, the US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, reported that:

“[In 2004] The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed a majority of approximately 16 million persons, traditionally dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. Although an oversimplification, the fighting in Darfur has been characterized in racial terms, as Arab Muslims against black African Muslims. The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas.” [3b] (Section 5)

See also Annex C: [Main ethnic groups](#) and Annex D: [Languages of Sudan](#)

6.161 According to the same report, “The Government continued the Islamization and Arabization of the country and, there were credible allegations of forced Islamization of non-Muslims.” [3a] (p3)

See also Section 6.A: [Freedom of religion](#)

6.162 USSD 2004 also reported that:

“There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and ‘chose’ to ‘marry’ their abductors, rather than return home where they would be stigmatized.” [3b] Section 5)

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NUBIANS

6.163 The International Crisis Group (ICG) published a report, ‘Sudan’s Other Wars’, in June 2003 which stated that the Nubian community had never fully recovered from its mass relocation from the banks of the Nile in the 1960s as part of the then government’s Aswan Dam programme. [63d] (p18) In September 2004, SHRO-Cairo stated that the Nubian people of north Sudan were at risk of ethnic and cultural cleansing by the Government of Sudan as “The two governments

of Egypt and Sudan are working actively to suffocate Nubia and change its identity to an Arabized one.” [61g] (p1) The ‘Urgent Action’, published on 29 September 2004, outlined the threat of new dam-building projects:

“GOS [the Government of Sudan], like GOE [the Government of Egypt] is waging a secret war against Nubians in the north. Its deliberate policies to depopulate the Nubian lands through the persistent ! *[sic]* lack of economic and social development and making plans to construct more dams on Nubian land is meant to disrupt the stability of the area and an attempt to change the structure of the Nubian society by forcing Nubians to abandon their ancestral homes. In fact, an attempt to build Kajbar dam in the heartland of Nubia was suspended temporarily when the Nubians protested loudly and sent their out cry abroad to alert the international community to come to their help and stop the plans to construct the dam....GOS is actively working now to construct another dam in Hamadab area (Merowe Dam), which will devastate the Nubian antiquities and historical sites that have yet to be fully excavated.” [61g] (p1)

- 6.164 A December 2004 press release by the group the Movement of Displaced by Hamadab Dam (MOD) published on the International Rivers Network (IRN) website stated that three persons had been detained by the government’s security forces and that “MOD openly declares that these persons are innocent people and have no relation whatsoever with the movement. It has become clear that the Security Organ believes that, just being from the dam affected area warrants arrest.” [81a] IRN and the Corner House also published a Fact Finding Mission report in May 2005 that recorded the details of the Merowe/Hamadab Dam Project, and its environmental, social and archaeological impact. [81b]
- 6.165 A UN Integrated Regional Information Networks (IRIN) report briefly summarised the IRN/Corner House report’s findings and quoted the response of Ibrahim Mahmud Hamid, the Sudanese minister of humanitarian affairs: “‘They [free services and compensation] will come, but they will come later. They will come in phases. Some groups in the opposition want to use it as a political issue,’ the minister told IRIN. ‘All the problems now are with those who are very far from the dam, and they will be affected later on, in 2007. They think that they have to get the same things as those who are in the direct site of the dam.’” [15dk]
- 6.166 The Sudan Organisation Against Torture (SOAT) reported in July 2005 on the release of six leaders of the Manaseer tribe who had resisted relocation from their homeland as part of the mass clearance for the Marawi (Merowe/Hamadab) Dam project. [23aw] The report stated that “The men had complained of the lack of consultation between the government and the local population and the lack of fair compensation for loss of homes and livelihoods.” [23aw] A May 2005 Inter Press Service (IPS) article, reproduced on the *Sudan Tribune* website on 6 May 2005, also reported on the effects of the dam project stating that “One of Africa’s largest dams, now under construction in Sudan, carries a hefty price for the environment and threatens intensified social unrest, project critics say.” [82]
- 6.167 The ICG’s report of June 2003 also recorded that the “Nubians are concerned that the ruling Islamist party remains intent on suppressing their cultural heritage. The government promotes Sudan’s Islamic heritage to the near exclusion of all others.” [63d] (p18) A May 2005 *New York Times* article,

reproduced on the *Sudan Tribune* website on 31 May 2005, stated that “Also to be submerged [by the Merowe/Hamadab dam] are some of Sudan’s ancient sites, where archaeologists are working feverishly to find what they can while they still can. The affected locations, according to government scientists, include the noted towns and cemeteries from the Pharaonic period and the Napato-Meroitic era, which stretched from 900 B.C. to A.D. 350, at Gebel Barkal, the post-Meroitic tumuli, or grave mounds, of Zuma and the Christian monastery of Ghazali, among others.” [83]

See also Annex C: [Black ethnic groups collectively known as the Nubians](#)

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EAST SUDAN

- 6.168 In its May 2005 report ‘Political Repression in Eastern Sudan’, Amnesty International recorded that “Eastern Sudan, with the Red Sea State, which capital is Port Sudan, and Kassala State, with Kassala town as its capital, is one of the poorest regions of Sudan. It is inhabited mainly by the Beja and the Rashaida, two nomadic ethnic groups, southern and western Sudanese internally displaced as a result of conflict and refugees from neighbouring Eritrea and Ethiopia.” [11ai] (p1)
- 6.169 The ‘World Directory of Minorities’, 1997, claimed that the ruling party, the National Islamic Front (NIF), was disturbed by the Beja’s pride in culture and traditions, which it perceived to be incompatible with Arab-Islamic identity. [37] (p461) The June 2003 ICG report stated that “The Beja practise a more traditional and tolerant form of *Sufi* Islam than what the government has sought to impose on the rest of the country.” [63d] (p16) The report also recorded that “Decades of negligence of their community, under both democratic and autocratic governments, has left the Beja highly vulnerable to malnutrition, famine and contagious disease.” [63d] (p16)
- 6.170 AI’s May 2005 report stated that:
- “Since the 1990s, there has been sporadic armed conflict in Eastern Sudan between the government army and the armed wing of the opposition, composed of the largest southern armed group SPLM, the National Democratic Alliance (NDA, an umbrella of northern opposition parties hosted by Eritrea including the eastern-based Sudan Alliance Forces and one segment of the Beja Congress which supports armed opposition). Some areas, in particular round Hameshkoreb and near the Eritrean border, are under the armed opposition.” [11ai] (p1)
- 6.171 An August 2004 *Reuters* report, reproduced by the *Sudan Tribune*, stated that “[Salah] Barqueen [the Beja Congress spokesman] alleged that the Sudanese government had over the last year been arming and training Janjaweed militia in eastern Sudan and urged both the government and the international community to tackle the issue before it worsened as in Darfur.” [18]
- 6.172 In late January and early February 2005, the BBC, SHRO-Cairo, AI, IRIN and SOAT all reported on the killings and arrests of demonstrators in Port Sudan, east Sudan. [14z] [61f] [11c, 11e] [15be] [23b] (p16, 20) The BBC recorded on 29 January 2005 that “Members of eastern tribes – mainly Beja – presented a list

of demands to the governor three days ago, including greater wealth and power sharing, Reuters news agency reported.” [14z] The report did not state whether those who presented the list of demands were members of the political party, the Beja Congress, but it did state that “The Beja also want the government to recognise the Beja Congress as the only representative of the people of eastern Sudan, reports say.” [14z]

- 6.173 The same report also stated that “Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan.” [14z] SHRO-Cairo claimed that “Further reports indicated that the murdered citizens were hunted by the police even inside their own dwelling areas where 2 women and a number of children were killed by police firearms.” [61f] AI condemned the use of excessive force to quell the demonstration, which had turned violent, and also claimed that houses were attacked using grenades.” [11c] On 1 February 2005 SOAT recorded the details of those killed, the number of demonstrators who were detained, and the locations of where the detained were thought to be held. [23b] (p16, 20)
- 6.174 The Sudan Organisation Against Torture (SOAT), AI and IRIN all reported on the conflict in the eastern Sudan states of Kassala and Red Sea during 2005. [23b, 23an] [11ai] [15cp, 15de, 15dz, 15eb] SOAT noted in a May 2005 report that the Justice and Equality Movement (JEM) was part of the Eastern Front of the Beja Congress and the Free Lions, and was militarily active in the East. [23an] IRIN reported, also in May 2005, that “A small rebel group from the non-Arab Beja tribe has been active in the poor region near the Eritrean border, but fighting has been sporadic and on a small scale.” [15de] While in June 2005 IRIN recorded that “Sudanese rebels who recently clashed with government forces in the east have accused Khartoum of using planes to bomb civilians near the Eritrean border.” [15eb]

See also Section 6.A: Freedom of assembly and association/members and supporters of armed opposition factions - east Sudan;

Annex B: Beja Congress and Annex C: Non-arab ethnic groups collectively known as the Beja

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DARFUR

- 6.175 Numerous human rights reports were published throughout 2004 and 2005 on the continuing insecurity, citing abuses committed by all parties to the conflict, outlining the ongoing humanitarian concerns for those displaced by the fighting. [2c-2e, 2j, [2n-2r] [10a-10f-10g, 10j-10k, 10l-10u] [11a-11b, 11d, 11i, 11o-11p, 11s-11v, 11x-11ah, 11ak, 11am-11ao, 11as-11at, 11aw-11ax] [17] [22a-22b] [23b, 23e-23t, 23v, 23x-23ac, 23ae, 23ag, 23aj-23ak, 23am, 23ao, 23ar-23av, 23ax] [26a-26b] [42m] [42a-42h, 42j-42n, 42p] [61b, 61d, 61j]
- 6.176 According to major reports by various organisations, the three main non-Arab groups in Sudan’s Darfur region are the Massaleit (Masalit), the Fur (Four) and the Zaghawa (Zaghewa). [2c, 2j] [3e] [10c, 10e] [17] [22a] Human Rights Watch (HRW) noted in January 2005 that “Numerous smaller ethnic groups, such as the Tama, Eringa, Berti, Bergit, Dorok and Tunjur, have also been targeted by the government-militia forces, especially as the conflict has broadened geographically over time.” [10e] However, some of these reports have also highlighted the oversimplification of the conflict in Darfur as, although there is

certainly a marked division along ethnic lines, this is not always the case. [2c] [10c, 10e] For example, some Arab groups are fighting with the rebels and some African tribes have joined the Government's militia forces. [2c] (p32) There is also a marked suggestion of affiliation based on a tribe's land ownership and access to Darfur's scarce natural resources. [2c] (p22-24) Members of those tribes without their own Dar (homelands) appear to have mainly sided with the Government, whilst those tribes with a Dar have generally allied themselves with the rebels. [2c] (p20, 24)

- 6.177 The Government of Sudan established its own Commission of Inquiry, which accepted that the serious violation of human rights had occurred in Darfur but found that the abuses were not as widespread or systematic as claimed by news reports, international organisations and other countries. [76] The report's executive summary, published on the Sudan Embassy in London website in February 2005, pointed to the culpability of all actors in the conflict for such abuses. [76] The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General listed a number of differing uses of the term 'Janjaweed', in connection with the conflict in Darfur, and stated that:

"The fact that the Janjaweed are described as Arab militias does not imply that all Arabs are fighting on the side of the Janjaweed. In fact, the Commission found that many Arabs in Darfur are opposed to the Janjaweed, and some Arabs are fighting with the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. At the same time, many non-Arabs are supporting the Government and serving in its army. Thus, the term 'Janjaweed' referred to by victims in Darfur certainly does not mean 'Arabs' in general, but rather Arab *militias* raiding their villages and committing other violations." [2c] (p32)

- 6.178 The International Federation for Human Rights (FIDH) and the Sudan Organisation Against Torture's (SOAT) May 2004 report, 'Sudan: One step forward, many steps back', quoted the findings of UN personnel as follows: "The UN Fact Finding Mission experts pointed out, on 29 March 2004, that 'militias such as the Janjaweed and the Popular Defence Forces, encouraged by the Sudanese Government, are trying to forcibly remove the non-Arab segment of the local population.'" [22a] (p5) The report continued: "The FIDH and SOAT confirm those assertions and believe that the attacks and harassment of the Fur, Zaghawas and Massalit ethnic communities, are part of a policy of systematic and forced displacement of African tribes from the Darfur." [22a] (p5)

- 6.179 A Medecine Sans Frontier report of October 2004 concluded that:

"Whatever the origins of the conflict – it is clear that the use of violence has been massive, indiscriminate (largely targeting civilians) and disproportionate. There has been massive loss of life due to direct violence (mainly amongst men aged 15 – 50). Around 1.6 million people have been displaced, settling in ad-hoc displacement sites in major towns and villages throughout Darfur. An additional 200,000 people have sought refuge in Chad. It can be safely concluded that a prime objective of the violence was to move certain sectors of the population out of the areas in which they were living." [26a] (p19)

- 6.180 An HRW report, dated November 2004, recorded that the Sudan Liberation Army (SLA) had targeted particular groups ostensibly because the Janjaweed

draw their forces, including leaders considered to be responsible for Janjaweed abuses, from groups of the same ethnic origin. [10e] (p32-38) The ICI report noted that official and unofficial government actors, rebel actors, traditional tribal conflicts and armed persons committing acts of banditry have all been cited in reported violations, "However, it should be noted that the number of reported violations allegedly committed by the Government forces and the Janjaweed by far exceeds the number of cases reported on rebels." [2c] (p55) The report stated that:

"Hundreds of incidents have been reported involving the killing of civilians, massacres, summary executions, rape and other forms of sexual violence, torture, abduction, looting of property and livestock, as well as deliberate destruction and torching of villages....Except in a few cases, these incidents are reported to have occurred without any military justification in relation to any specific activity of the rebel forces. This has strengthened the general perception amongst observers that the civilian population has been knowingly and deliberately targeted to achieve common or specific objectives and interests of the Government and the Janjaweed." [2c] (p54)

- 6.181 The report also noted that "It is reported that amongst the African tribes, members of the Zaghawa, Fur and Masaalit tribes, which have a marked concentration of population in some areas, have been particularly targeted. This is generally attributed to the fact that the two main rebel groups in Darfur are ethnically African and are largely drawn from these three tribes. It is for this reason that some observers have concluded that a major objective of destruction and depopulation of targeted areas is to eliminate or pre-empt any possibility of support for the rebels." [2c] (p54) HRW's January 2005 report, 'Targeting the Fur: Mass Killings in Darfur', stated that:

"Many of the abuses against these groups amount to crimes against humanity and war crimes, as the attacks are deliberately and systematically directed against civilians on account of their ethnicity. Some abuses stand out for the extraordinary level of brutality shown by the perpetrators, suggesting an intention to destroy the civilian group targeted in a given locality. All these incidents should be investigated in depth, and prosecuted as exceptionally serious international crimes, including potentially the crime of genocide." [10e] (p3-4)

- 6.182 The US Department of State released a report on its investigation of the human rights abuses being committed in Darfur in September 2004 and, alluding to this report, USSD 2004 claimed that "Information available by September 9 indicated that genocide had been committed in Darfur, and the Government and the jinjaweed bore responsibility." [3e, 3b] (Section 1a) However, the January 2005 ICI report concluded that, although serious human rights abuses were committed and some of the perpetrators may have acted with genocidal intent, genocide itself had not occurred: [2c] (p4)

"There is no doubt that some of the objective elements of genocide materialized in Darfur. As discussed above, the Commission has collected substantial and reliable material which tends to show the occurrence of systematic killing of civilians belonging to particular tribes, of large-scale causing of serious bodily or mental harm to members of the population belonging to certain tribes, and of massive and deliberate infliction on those tribes of conditions of life bringing about their physical destruction in whole or in part (for example by

systematically destroying their villages and crops, by expelling them from their homes, and by looting their cattle). However, two other constitutive elements of genocide require a more in depth analysis, namely whether (a) the target groups amount to one of the group[s] protected by international law, and if so (b) whether the crimes were committed with a genocidal intent.” [2c] (p129)

6.183 With regard to the first constitutive element, the report points to the shared religion (Islam), language (Arabic) and high incidence of intermarriage and coexistence that has blurred the ethnic lines along which the ‘Arabs’ and ‘Africans’ in Darfur are divided. [2c] However, the report also stated that “As noted above, in recent years the perception of differences has heightened and has extended to distinctions that were earlier not the predominant basis for identity. The rift between tribes, and the political polarization around the rebel opposition to the central authorities, has extended itself to issues of identity.” [2c] (p130) Consequently, the report concluded that the victims of attacks in Darfur were a subjective protected group. [2c] (p130)

6.184 As to the second constitutive element, whether there was genocidal intent, the report stated that “Some elements emerging from the facts including the scale of atrocities and the systematic nature of the attacks, killing, displacement and rape, as well as racially motivated statements by perpetrators that have targeted members of the African tribes only, could be indicative of the genocidal intent. However, there are other more indicative elements that show the lack of genocidal intent.” [2c] (p130) The report stated that the indicative elements included the selectivity of, and apparent reasons for, attacks and killings, and the ability of internally displaced people (IDPs) to collect in camps in which the government allowed humanitarian organisations to administer aid. [2c] (p130-132)

6.185 Nevertheless, the ICI did stress that:

“The above conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken as in any way detracting from, or belittling, the gravity of the crimes perpetrated in that region. As stated above genocide is not necessarily the most serious international crime. Depending upon the circumstances, *such international offences as crimes against humanity or large scale war crimes may be no less serious and heinous than genocide*. This is exactly what happened in Darfur, where massive atrocities were perpetrated on a very large scale, and have so far gone unpunished.” [2c] (p132)

6.186 The UN Secretary-General (UN SG) continued to report on the situation in Darfur throughout 2005 and, as of April 2005, was submitting monthly reports to the Security Council. [2k-2l, 2n-2r] The August 2005 monthly report noted that, up until the final week in July 2005, the ceasefire had been holding and that “The clearest trend to emerge over the present reporting period is a considerable rise in abductions, harassment, extortion and looting, by both the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A), victimizing civilians and jeopardizing humanitarian activities.” [2r] (p1) The UN SG also noted that banditry and burglaries were a regular event across the Darfur region and that “Janjaweed attacks on villages and markets have continued, especially in Northern Darfur, but the principal motivation seems to be theft of livestock and casualty figures have been low.” [2r] (p2)

See also Section 5: [Judiciary/North, south and west Darfur](#);
Section 6.A: [The Darfur conflict](#); [Freedom of assembly and association/Members and supporters of armed opposition factions - Darfur](#);
Section 6.C: [Internally displaced persons/Darfur](#) and [Refugee movement within neighbouring countries](#);
Annex B: [Justice and Equality Movement](#); [National Movement for Restoration/Reform and Development](#); [Sudan Liberation Movement/Army](#) and
Annex C: [Black ethnic groups - Darfur](#)

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NILOTES - DINKA, NUER AND SHILLUK

- 6.187 According to the 'World Directory of Minorities', 1997, the Dinka's close proximity to cattle-herding Arabic tribes has made them vulnerable to attacks, which have resulted in the death of their men and the abductions and slavery of many of their women and children. [37] (p458) According to the US Library of Congress's (LoC) 1991 country study on Sudan, "Sections of the Dinka have fought sections of the Nuer and each other....The Nuer absorbed some of the Dinka and some present-day sections of the Nuer have significant Dinka components." [35a] (p7) According to the USSD report for 2003, "There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes." [3b] (Section 5)
- 6.188 The Civilian Protection Monitoring Team (CPMT), which was created as a result of US-mediated negotiations between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) in March 2002, investigated reported abuses committed by and against the Dinka, Nuer and Shilluk tribes in southern Sudan during 2004 and 2005. [60n-60o, 60r, 60t, 60x-60ab, 60d-60g, 60i-60j, 60l, 60ad-60af, 60aj, 60al-60am, 60as-60at, 60bb-60bc, 60bf, 60bh-60bk, 60bp] The UN's Integrated Regional Information Networks (IRIN) also reported on clashes between the Nuer and Shilluk tribes in July 2004 and stated in a May 2004 report that "Tensions are high between displaced cattle-owning Dinka and their host community in Mundri and Maridi counties of Equatoria, southern Sudan, over access to grazing land and water, according to humanitarian sources." [15z, 15aa] (p1) IRIN also reported, in October 2004, that the harassment of civilians in Upper Nile by government and government-aligned forces had been found to have occurred on a number of occasions by the CPMT. [15bv] The report also stated that, largely due to the actions of armed forces, "Malakal, the headquarters of Upper Nile, has an estimated 35,000 IDPs, who, according to the CPMT, live under difficult humanitarian conditions." [15bv] (p1)
- 6.189 Between June and August 2005, the CPMT also investigated three allegations against Murle militia, at least one of which was substantiated. [60bh, 60bk, 60bp] The latter two CPMT reports were inaccessible, at the time of writing. The report of June 2005 stated that:
- "In 2003, these attacks [against the Dinka Bor and Lou Nuer tribes] seemed to take a new twist. No longer did the Murle just seek cattle to secure their economic base by looting cattle, but the raids, using more effective military tactics, became increasingly violent in nature. Although cattle raids continued, the focus, more often than not, seemed to be the indiscriminate targeting of civilians, including women and children. The Murle continued to use such indiscriminate tactics despite the agreement on the cessation of hostilities and

the Comprehensive Peace Agreement (CPA) between the GoS and the SPLM/A signed on January 9, 2005.” [60bh] (p2)

- 6.190 In July 2005, the CPMT also recorded, as background to the practice of cattle looting, that:

“Historically, tribes of the Nuer, Murle and Dinka peoples have seasonally relied on the tradition of cattle raids into the Toich areas to conduct rites of passage practices to manhood for male adolescents. The Toich is an area in which cattle herders have been forced to concentrate their herds due to severe shortages of water and grazing land....The traditional raids have occurred across the breadth and depth of Southern Sudan. Nevertheless, these rites of passage have increasingly turned more deadly in the past 15 years in light of the proliferation and added lethality of automatic weapons systems in South Sudan. These raids do not distinguish among the many tribes. Despite what would otherwise be thought of by outsiders as senseless crimes involving the use of dangerous weapons, to tribesmen these actions are appreciated as normal and seasonal displays of bravado of one tribe against another.” [60bj] (p1)

- 6.191 Human Rights Watch (HRW), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), Amnesty International (AI) and IRIN continued to report on the challenges facing the implementation of the Comprehensive Peace Agreement (CPA) during 2005. [10q, 10v] [61r] [11k, 11n, 11aj] [15u, 15aw, 15by, 15ca-15cb, 15cd, 15cg-15ch, 15cs-15cu, 15cy-15cz, 15db-15dd, 15df, 15dh-15dj, 15dq, 15dx, 15ed-15eh] IRIN and SHRO-Cairo both produced reports, in August and July 2005 respectively, on the progress made in implementing the CPA. [15aw] [61r] SHRO-Cairo stated its belief that “One of the biggest shortcomings of the peace agreements is that the agreements do not mention a word about the gross human rights violations committed by the two peace partners in the conflict, or those committed under a state of emergency solely imposed upon the country by the Sudan Government for decades to pursue war activities in the South or the other regions of Sudan.” [61r] While IRIN reported that the differences within the SPLM/A might prove to be a significant barrier to the successful implementation of the CPA. [15aw]

- 6.192 However, the Sudan Organisation Against Torture (SOAT) remarked in June 2005 that “Six months after the signing, SOAT has noted changes, which while not overwhelming, are significant in the Equatorial states as a direct consequence of the signing of the CPA. These states, which were government, controlled during its two decades war with the SPLA has *[sic]* seen the lifting of curfew and a lessening in the severity of human rights violations committed by government forces.” [23bd] (p6)

- 6.193 It was reported by the British Broadcasting Company (BBC), IRIN, the International Federation for Human Rights (FIDH), SOAT and the Foreign and Commonwealth Office (FCO) that, following the Government's announcement of the death of John Garang in an air crash at the end of July 2005, three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese ensued. [14g] (p4) [15c, 15ek] [22d] [23ay-23az] [25f] Garang was succeeded by Salva Kiir. [14g] (p4) IRIN recorded on 5 August 2005 that “Calm has returned to the Sudanese capital, Khartoum, after three days of bloody riots that left a total of 130 people dead in the city and a number of other towns, the International Committee of the Red Cross (ICRC) reported on Friday.” [15c]

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed factions - central and south Sudan;
Annex C: Black ethnic groups (central and southern Sudan)

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NUBA

6.194 USSD 2004 recorded that “Civil authorities and institutions did not operate in parts of the rebel held South and the Nuba Mountains. Parts of the South and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.” [3b] (Section 1e)

6.195 Europa 2005 recorded that the SPLM/A and the Government had agreed to a six-month renewable military ceasefire in the Nuba Mountains area after six days of negotiations in Switzerland during January 2002. [1] (p1094) IRIN reported that the ceasefire resulted in the establishment of an international presence; a cessation of hostilities and reduction in violence; humanitarian access and aid; and a check on the alarming decline of the food insecurity situation in the SPLM/A-controlled areas of the region. [15a] (p1-2) A June 2005 *Associated Press* news report, reproduced on the *Sudan Tribune* website, recorded that:

“The 1983-2005 civil war was calamitous for the people of the Nuba Mountains in south-central Sudan. Squeezed between the pro-government northerners and the pro-rebel southerners, more than half of the local population fled. But during the past three years of cease-fire, life has returned almost to normal and the population doubled from 720,000 people to more than 1.4 million.

Under the Jan. 9 peace agreement, the U.N. is taking over from the Joint Military Commission this month by deploying peace monitors in southern Sudan, the Nuba Mountains and the areas known as Blue Nile and Abyei.” [20]

6.196 In July 2004 the Sudan Organisation Against Torture (SOAT) reported that:

“Following a Nuba Mountains cultural exhibition held at Khartoum University Student Union (KUSU) organised by the Student Association of the Nuba Mountains at Khartoum University, an official society affiliated to KUSU, on 27 June 2004, in the early hours of the morning, sixty students, all members of the Student Branch of the National Congress Party (the ruling party) armed with iron bars and homemade Molotovs and allegedly aided by members of the security forces attacked the KUSU.” [23b] (p22)

See also Section 6.A: Freedom of assembly and association/Members and supporters of Armed factions - central/south Sudan;
Annex C: Black ethnic groups collectively known as the Nuba

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WOMEN

6.197 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 15 of the draft INC recorded that:

- “(1) The family is the natural and fundamental group unit of society and is entitled to the protection of law; the right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of the intending spouses;
- (2) The State shall emancipate women from injustice, promote gender equality and encourage the role of women in family and public life;” [4b] (p7-8)

6.198 Article 32 of the draft INC stated that “The equal rights of men and women to the enjoyment of all civil and political rights and all social, cultural and economic rights, including the right of equal pay for equal work, shall be ensured;” [4b] (p14)

6.199 Previous to the signing of the INC, the US State Department’s Human Rights Report 2004 (USSD 2004), published on 28 February 2005, recorded that violence and discrimination against women persisted and the means for social redress were ineffectual. [3b] (Section 5) The report added that reliable statistics on the prevalence of violence against women did not exist and that “Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.” [3b] (Section 5) USSD 2004 further stated that “The Government did not address the problem of violence against women, nor was it discussed publicly.” [3b] (Section 5)

6.200 Ms. Asha El-Karib, Director and Program Manager, Gender Centre for Research and Training and ACORD (Agency for Co-operation in Research and Development), Sudan who addressed Canada’s Standing Senate Committee on Foreign Affairs in May 2005 stated that, in the mid-1990s:

“Creatively, and keeping a low profile at the beginning, women’s groups emerged at all levels working on issues of poverty alleviation, women’s cooperatives and so on. Later, women’s advocacy groups started also to formulate research and advocacy organizations such as the gender centre, women’s networks, women’s peace groups and women’s solidarity groups. The first movement that actually worked in an organized way for peace was established in the mid-1990s through the civil society women’s network for peace.” [79] (p3)

6.201 USSD 2004 reported that “Some aspects of the law discriminated against women, including many traditional law practices and certain provisions of Shari’a as interpreted and applied by the Government.” [3b] (Section 5) For instance, while a Muslim man could marry a non-Muslim as their children would be considered Muslim, a Muslim woman could not marry a non-Muslim unless he converted to Islam. [3b] (Section 5) USSD 2004 also reported that “Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering; however, in general,

police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered. These acts violated regulations against indecency, but the POP [Public Order Police] generally only issued warnings for improper dress.” [3b] (Section 5)

See also Section 6.A: [Freedom of religion](#)

6.202 USSD 2004 stated that:

“Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, particularly for NC [National Congress] members. Women generally were not discriminated against in the pursuit of employment; however, women were not allowed to work after 10 p.m., in theory limiting their employment opportunities. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles. More than half the professors at Khartoum University were women.” [3b] (p28)

6.203 The Inter-Parliamentary Union (IPU) website published statistics on ‘Women in National Parliaments’ and, as of 30 November 2004, Sudan was ranked 81st of 83 countries in terms of the percentage of women participating in the State Assembly, which equated to 9.7 per cent. [57a] (p1, 3)

6.204 USSD 2004 recorded that “Prostitution is illegal but widespread. Trafficking in women remained a problem but declined in scope during the year.” [3b] (Section 5) The report further stated that “The punishment for rape under the Criminal Act varies from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law. Pregnant unmarried women and young girls were convicted during the year of adultery.” [3b] (Section 5) The Sudan Organisation Against Torture (SOAT) released a report in 2003 that detailed conditions in women’s prisons in Omdurman, Kousti, Al fashir and Marawi. [23c]

See also Section 5: [Prisons and prison conditions/Women in prison](#)

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DARFUR AND INTERNALLY DISPLACED WOMEN IN THE NORTH

6.205 Amnesty International (AI) released two reports in July and August 2004 that specifically dealt with the systematic rape of women in Darfur. [11i, 11z] In August 2004 the Integrated Regional Information Networks (IRIN) reported on a three-man UN mission to Darfur led by Dennis McNamara, special adviser on displacement to the UN Emergency Relief Co-ordinator. [15v] IRIN reported that rapes were still widespread in Darfur, and that the perpetrators of these and other abuses continued to act with impunity. [15v] IRIN reported McNamara’s comments; “He said the overall response to sexual crimes had been ineffective and perpetrators acted with impunity. ‘There has been no serious attempt to prosecute,’ said McNamara, whose mission visited IDP camps in four locations in South Darfur – Kass, Kalma, Nyala and Otash – on 25 and 26 August.” [15v] (p1)

- 6.206 USSD 2004 concurred, "Women in Darfur were particularly vulnerable. Credible reports of rape were widespread. There were many reports of women who were raped if they left their IDP camps to gather food or wood." [3b] (Section 5)

The report continued:

"The Government was slow to acknowledge the severity of the problem, although it eventually appointed a commission to investigate rape allegations. The commission was neither active nor effective in stopping assaults against women. The problem was exacerbated because local authorities often required rape victims to file a police report before they could receive medical treatment, despite an August 21 [2004] decree that waived the requirement. U.N. and NGO sources confirmed that the decree was not regularly observed. Women distrusted the police and rarely filed a police report." [3b] (Section 5)

- 6.207 USSD 2004 also stated that "Displaced women from the south were vulnerable to harassment, rape, and sexual abuse." [3b] (Section 5) During 2004 and 2005, AI and the Sudan Organisation Against Torture (SOAT) released reports on the abuse of individual women, and of groups of women and girls, in Darfur. [11i, 11z, 11ag, 11aw] [23b, 23e-23i, 23o, 23z, 23ao, 23as, 23av, 23bc-23be] The UN's February 2005 'Report of the independent expert on the situation of human rights in the Sudan, Emmanuel Akwei Addo' recorded that, according to other UN and human rights groups' reports, thousands of women had been raped during the 20-month conflict in Darfur. [2j] (p14) A March 2005 Medecine Sans Frontieres report on sexual violence in Darfur concluded that:

"Rape destroys individual lives, traumatises the population and fractures society. Rather than care, the women and children who are subjected to sexual violence receive rejection. The horrific practice we have seen in Darfur of actually imprisoning the victims of rape rather than providing them medical care, adds to an already appalling pattern of neglect and abuse. All too frequently the victims of rape find inadequate care even when they do make their way to a clinic. In many places the fear of mistreatment and stigma stops people from searching for necessary assistance." [26b] (p7)

- 6.208 The Sudan Organisation Against Torture (SOAT) reported in March 2005 that "On 11 February 2005, police forces in Zalingy, Western Darfur State arrested a Mrs. Fanna Souker Saw, 26 yrs, a Christian woman belonging to the Dinka tribe on suspicion of committing adultery (Zina)." [23m] The report also stated that the woman would be at risk of the death penalty, if found guilty. [23m]
- 6.209 The UN Secretary-General's (UN SG) August 2005 report on the situation in Darfur reported that "The Government has not done enough to prevent the persistent sexual violence and physical abuse by armed men against internally displaced women and girls." [2r] (p3) The UN SG continued, "I welcome the announcement by the Government on 18 July that it has established a new committee to investigate and eliminate violence against women. Once the committee begins functioning, it will be important for it to address the concerns expressed about sexual violence against women." [2r] (p3)

See also Section 5: Prisons and prison conditions/Women in prison;
Section 6.A: Human rights/General/The Darfur conflict and Section 6.C:
Internally displaced persons/Darfur

SOUTH SUDAN, INCLUDING SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AREAS

- 6.210 An August 2003 IRIN news 'Special report on women in the south' stated that the situation of women had worsened due to underdevelopment, over 20 years of war and inequalities in power structures. [15e] (p1) Additionally, southern women shouldered extra burdens placed upon them due to the large reduction of the male population. [15e] (p1)
- 6.211 Two of the main problems identified by IRIN's special report were marriage and education. [15e] (p1) IRIN stated that the former, which was often entered into at a young age, was an indicator of the virtually powerless position of women. [15e] (p1) According to the same IRIN report, the bride dowry, paid by the groom to the bride's family, meant marriage was more a material transaction between the two families than a personal bond between husband and wife. [15e] (p1) The report continued by recording that education was out of the reach of most girls as they were expected to work at home and then to marry not long after reaching puberty, where they are expected to continue working. [15e] (p2) The IRIN special report did state that the situation was slowly improving but emphasised that long-held societal and familial attitudes would be difficult to overcome. [15e] (p2)
- 6.212 A May 2005 IRIN report recorded that "Women activists have demanded...more involvement in the implementation of the southern Sudanese peace process that followed the 9 January [2005] agreement between Khartoum and the Sudan People's Liberation Movement/Army (SPLM/A)." [15dj] The report went on to record that women were under-represented in most areas of civil society, including the Constitutional Review Commission (CRC), the judiciary and politics. [15dj]

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FEMALE GENITAL MUTILATION (FGM)

- 6.213 The Sudanese Organisation Against Torture's (SOAT) 1999 report, 'Female Genital Mutilation in Sudan', contained a World Health Organisation (WHO) definition of female genital mutilation (FGM); "[FGM] Comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other non-therapeutic reasons." [23a] (p8)
- 6.214 A March 2005 IRIN report recorded the different types of Female Genital Mutilation practised around the world and stated that type 3 – infibulation – was the most common in Sudan. [15do] (p4) The report continued, "Type 3, also known as pharaonic circumcision, is extremely severe and involves binding a woman's legs for approximately 40 days to allow for the formation of scar tissue. Many of these communities use adhesive substances such as sugar, eggs, and even animal waste on the wound to enable it to heal." [15do] (p4)
- 6.215 SOAT's 1999 report recorded that the common word for the FGM operation was 'tahir', meaning purification, and the girl enduring the procedure was referred to as the bride, 'al-arus'. [23a] (p14) Families celebrated the operation with great festivity as the day of the operation was considered the most important day in the girl's life. [23a] (p14) Girls often had no choice about undergoing FGM and were stigmatised if they did not submit to the procedure. [23a] (p14) SOAT

claimed that “The girls who have not undergone FGM are placed under enormous societal pressure to do so and are ridiculed with taunts of ‘ghalfa’ (uncircumcised) and ‘nigisha’ (unclean).” [23a] (p14) SOAT’s 1999 report recorded that traditional, rural practitioners typically performed the practice of FGM in improvised, unsanitary conditions; causing severe pain, trauma and risk of infection to the girl, who was usually aged between four and seven. [23a] (p15)

6.216 SOAT’s 1999 report explained that “Custom and tradition are by far the most frequently cited reason[s] for FGM and defines who is in the group; this is reinforced in Sudan where FGM is carried out as an initiation into adulthood.” [23a] (p14) USSD 2004 claimed that “Some families, in a compromise with tradition, adopted the least severe form of FGM, ‘sunna,’ as an alternative to infibulation.” [3b] (Section 5) SOAT’s report also stated that FGM had also attained a religious element, despite being practised by peoples of all faiths and having no recognisable root in Islam or any other religion. [23a] (p13) The practice was apparently rooted more in Sudanese culture and tradition than any particular religion and was also considered to be of importance in controlling a woman’s sexuality, for a variety of reasons. [23a] (p14-15) SOAT’s report stated that “FGM symbolises the woman as obedient, docile, faithful and the upholder of tradition.” [23a] (p15)

6.217 A September 2004 IRIN report recorded that, according to the United Nations Population Fund (UNFPA), FGM remained a widespread practice, “But the percentage of women approving female circumcision had declined from 79 percent in 1989/90 to 67 percent in 1999.” [15b] (p1) USSD 2004 also stated that FGM was becoming less common as more and more urban, educated families abandoned the practice, and that “Unlike in the previous year, there were no reports that women displaced from South to North imposed FGM on their daughters.” [3b] (Section 5)

6.218 According to Ms. Asha El-Karib, who addressed Canada’s Standing Senate Committee on Foreign Affairs in May 2005:

“Female genital mutilation in Sudan is a serious challenge for women and girls in the country. The rate of prevalence of female genital mutilation in Sudan is still over 80 per cent, despite years of work from activists, civil society and women’s groups to fight the practice. It has, of course, very serious impacts on women in different aspects. First, there are serious impacts on the health of girls and women. In most cases, the environment is very bad, the utensils used are unhygienic, and girls often die through or because of the effect of the practice. During adolescence and early marriage and throughout their reproductive lives, when women give delivery and also in situations where the health service is very poor, they suffer from bleeding and difficult labour and they die because of those.

Female genital mutilation is psychologically harmful to women and girls. They live the trauma throughout their lives. They get very little support and assistance in this area. There are many incidents of psychological stress, depression and even mental breakdown because of the practice of female genital mutilation.

It is a serious violation of girls’ rights, as it is practiced on very small girls. In some areas of Sudan, female genital mutilation is practiced on seven-day-old babies.” [79] (p12)

GOVERNMENT ATTITUDE/POLICY TO FGM

- 6.219 SOAT's 1999 report recorded that "Sudan was the first African country to outlaw FGM. It was first condemned by the Sudanese Medical Service as long ago as the 1930's *[sic]* and in 1944 the Sudan Ministry of Health launched an intensive campaign to put an end to the practise *[sic]* of infibulation." [23a] (p12) The report continued: "Legislation to proscribe FGM was finally enacted in the 1946 Penal Code, which prohibited infibulation, but permitted 'Sunna'. The law was ratified again in 1957, when Sudan became independent." [23a] (p8)
- 6.220 According to SOAT's 1999 report, "In 1991 the Sudanese government affirmed its commitment to the eradication of the traditional form of FGM, however, the 1993 Penal Code, does not mention FGM, leaving its status unclear. Originally punishment for carrying out infibulation was a seven years imprisonment and/or a fine, this sentence was reduced to 5 years in 1974, but no one has yet to be found guilty. *[sic]*" [23a] (p8)
- 6.221 In September 2003, the Government reaffirmed its commitment to eradicate the practice of FGM and, according to a September 2003 IRIN report, Sudanese newspapers contained articles stating that the national Human Rights Advisory Council had said it would support the drafting of a specific law to criminalise FGM. [15g] According to USSD 2004, "No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. The Government did not support FGM and actively campaigned against it, as did the SPLM in its zone of control. One local NGO worked to eradicate FGM." [3b] (Section 5)
- 6.222 IRIN's March 2005 report stated that "In Sudan, where 89 percent of women are infibulated, steps have been taken to prohibit only the most drastic types of circumcision. The 1946 Sudanese Penal Code prohibited infibulation, but allowed the practice of 'Sunnah circumcision' (the removal of the clitoral hood) to continue." [15do] (p10) IRIN also reported in May 2005 that:

"At a workshop in Khartoum, he [Sudanese Health Minister Ahmed Osman Bilal] said Sudan would produce a legislative framework banning the practice, which would be supported by a public statement by the president of Sudan and accompanied and followed up by education and awareness programmes. The minister stated that FGM was now prohibited for all medical practitioners. He endorsed a recommendation to widely publicise and implement the ban and introduce stiff penalties for those who continue to perform the operations. The practice *[sic]* has, however, continued." [15dn]

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CHILDREN

- 6.223 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. [14g] Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. [4b] Article 14 of the draft INC recorded that "(1) The State shall direct policies and provide facilities for youth welfare and ensure that they develop morally and physically; the State shall also protect children from moral and physical abuse and abandonment;" [4b] (p7)

- 6.224 The US State Department's Report on Human Rights Practices for 2004 (USSD 2004), published on 28 February 2005, reported that the violence and discrimination against children remained a problem and that the means for social redress were ineffectual. USSD 2004 also stated that "The Government's commitment to children's rights and welfare was uneven. Education was compulsory through grade eight; however, according to UNICEF [United Nations Children's Fund, which operated in Sudan, working on issues such as the advocacy and promotion of the rights of women and children, health, education and the construction of community centres], approximately half of school age children attended primary school." [3b] (p2, Section 5)

See also Section 5: Education

- 6.225 USSD 2004 recorded that "FGM [female genital mutilation] was performed frequently on girls." [3b] (Section 5)

See also Section 6.B: Women/Female Genital Mutilation (FGM)

- 6.226 USSD 2004 reported that "The Government operated camps for vagrant children called reformation camps. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive." [3b] (Section 5) The United Nations Children's Fund's report entitled 'At a glance: Sudan - The big picture' stated that "The committee noted that street children are effectively criminalized and called for policy amendments to ensure that such children are seen as victims of their circumstances. It called for the protection of children living on the streets and to ensure their access to education and health services." [68a] (p2)
- 6.227 USSD 2004 also recorded that "All of the children in the camps, including non Muslims, must study the Koran, and there was pressure on non Muslims to convert to Islam....There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam." [3b] (Section 5)

**See also Section 5: Prisons and prison conditions/Children in prison;
Section 6.A: Freedom of religion**

CHILDREN IN DARFUR

- 6.228 Save the Children (UK) released a report, 'Child Protection in Darfur', in September 2004. [45] The report detailed the human rights abuses children have been subjected to in Darfur, which included attacks and physical abuse, sexual abuse including rape, and abduction. [45] (p3) The report also stressed that "Because of their age and developmental stage, children suffer disproportionately in conflict and are less able to protect themselves." [45] (p3) During 2004 and 2005, Amnesty International (AI), the Sudan Organisation Against Torture (SOAT) and the World Organisation Against Torture (OMCT) released reports detailing the abuse of children's human rights in Darfur. [110-11p] [23b, 23e-23i, 23z, 23ao, 23bc-23be] [42a, 42c]

**See also Section 5: Judiciary/North, south and west Darfur and Death penalty
Section 6.A: The Darfur Conflict and Section 6.B: Ethnic groups/Darfur**

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FORCED LABOUR

- 6.229 USSD 2004 reported that “A large number of children suffered abuse, including abduction, enslavement, and forced conscription.” [3b] (Section 5) The report also stated that “Child labor existed in SPLM/SPLA held areas, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.” [3b] (Section 6d) Save the Children (UK)’s September 2004 report recorded that “According to recent assessments, some children in North Darfur have been abducted to drive looted animals.” [45] (p5)

Section 6.A: [Employment rights/Slavery and forced labour and People trafficking](#)

FORCED CONSCRIPTION IN GOVERNMENT-CONTROLLED AREAS

- 6.230 USSD 2004 recorded that “Male teenagers (and, in the South, some girls) in the camps [for vagrant children] often were conscripted into the PDF. Conscripts faced significant hardship and abuse in military service, often serving on the frontline....The Government and government-allied militias forcibly conscripted young men and boys into the military forces to fight in the civil war. Unlike in the previous year, there were no reports that the South Sudan Unity Movement conscripted boys.” [3b] (Section 5) The Coalition to Stop the Use of Child Soldiers (CSC) Annual Report for 2004 recorded that “Both the government and government-backed militias recruited child soldiers in the north and the south. Recruitment took place predominantly in Western and Southern Upper Nile, Eastern Equatoria and the Nuba Mountains.” [59a] The Spring 2005 issue of CSC’s ‘Child Soldiers’ newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. [59b] (p1, 12-13)
- 6.231 Save the Children (UK)’s September 2004 report stated that “In North Darfur, there is evidence of children having been recruited by armed groups and forces, and in some areas children have been seen wearing uniforms and bearing arms.” [45] (p5) Whilst the report accepted that there was little information concerning the patterns of recruitment it did state that there was evidence of conscription by all parties to the conflict, either to act as combatants or servants. [45] (p5) The CSC’s 2004 report concurred: “In Darfur, children as young as 14 were observed serving with government armed forces and police. Children also fought with the government-supported *Janjaweed* militias, which reportedly abducted children as young as nine from their villages.” [59a]

See also Section 5: [Military service/Forced conscription](#)

FORCED CONSCRIPTION IN SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY (SPLM/A)-CONTROLLED AND ARMED OPPOSITION-CONTROLLED AREAS

- 6.232 According to USSD 2004, “Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers. The ICRC cooperated with UNICEF to remove child soldiers from the South.” [3b] (Section 5) The CSC’s Annual Report of 2004 recorded that “Reports

indicated that the SPLA [and its allied militias] frequently recruited and re-recruited child soldiers. According to children formerly associated with the SPLA, between 400 and 500 boys and girls were being trained in SPLA military camps around Rumbek in February 2004.” [59a] The Spring 2005 issue of CSC’s ‘Child Soldiers’ newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. [59b] (p1, 12-13) IRIN also reported, in July 2005, on the continued use of forcibly conscripted child soldiers by armed groups in southern Sudan. [15ed]

- 6.233 CSC’s report also stated that “In Darfur, all armed groups, including the opposition groups JEM [Justice and Equality Movement] and the SLA/M [Sudan Liberation Army/Movement], were reported to use child soldiers.” [59a] Save the Children (UK)’s September 2004 report stated that the organisation was concerned that children were being forced or ‘volunteering’ to join armed groups in Darfur, the latter in an effort to defend themselves or their families. [45] (p5) The report added that “The main targets appear to be boys between the ages of 14-18. Ominously, this age group is less represented than other age groups at displaced sites.” [45] (p5)

See also Section 5: Military service/Sudan People’s Liberation Movement/Army (SPLM/A) and Military service/Armed opposition faction and other bearers of arms

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HOMOSEXUALS

- 6.234 According to a letter dated 23 January 2001 from the British Embassy in Khartoum, “The 1991 Criminal Code, proscribes penetrative sexual intercourse between two men or between a man and a woman anally.” [25a] (p1) A first-time offence carried a penalty of up to five years’ imprisonment and 50 lashes; the same again for a second offence, and for a third offence the death penalty or a sentence of life imprisonment is applied. [25a] (p1) There are no specific penalties that apply to lesbians, and lesbianism is a taboo subject, although the British Embassy understood that some, mainly high-class, women were known to be lesbians. [25a] (p2)
- 6.235 The International Lesbian and Gay Association’s ‘World Legal Survey’, last updated in July 2000, contained dated and limited information on the situation of gay people in Sudan. [7] A January 2004 article published on the ‘Behind the Mask’ website stated that “According to unconfirmed reports from a[n unidentified] Sudanese source 2 men were arrested on December 25, 2003 at a café in Omdurman.” [46] The same source stated that gay people had to contact each other through the Internet but that this in itself carried risks as gay men have been targeted on the web. [46] The source continued: “Homosexuality is illegal in Sudan, therefore gays remain subject to imprisonment, torture and in some cases the death penalty.” [46]
- 6.236 The US State Department’s Report on Human Rights Practices for 2004 (USSD 2004), published on 28 February 2005, recorded that “Homosexuality is a crime, but no one has been convicted on the charge.” [3b] (Section 5) A letter dated 28 February 2005 from the Foreign and Commonwealth Office stated that there had been no change to the law(s) regarding homosexuality since 2001

and that, whilst they were not aware of any specific cases of persons subjected to inhuman, degrading or persecutory treatment because of their sexual orientation, they would not be surprised to find that this was the case. [25c] (p1)

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REFUGEES AND ASYLUM SEEKERS

- 6.237 The US State Department's Report on Human Rights Practices for 2004 (USSD 2004), published on 28 February 2005, recorded that:

"The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has not established a system for providing protection to refugees. In practice, the Government generally provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum; however, there was no standard determination procedure, and there were reports of the forced return of refugees to their countries of origin." [3b] (Section 2d)

- 6.238 According to the United States Committee for Refugees and Immigrants' (USCRI) World Report 2005, 225,900 refugees from other countries lived in Sudan at year's end, including some 191,000 from Eritrea, 15,000 from Ethiopia and about 7,900 from Uganda. [24c] (p1)

- 6.239 USSD 2004 also stated that "The Government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers and accorded refugees generally good treatment." [3b] (Section 2d) However, "There were [also] reports that government officials mistreated refugees, including through beatings and arbitrary arrests. Refugees could not become resident aliens or citizens, regardless of their length of stay." [3b] (Section 2d) USCRI's world report for 2005 stated that "Officials commonly detained, beat, and extorted bribes from refugees and immigrants unable to produce valid documents. The National Security Department, known to practice secret detention and torture, reportedly detained refugees without notifying UNHCR. The Asylum Act authorized detention of refugees 'if found necessary.'" [24c] (p1) USSD 2004 reported that "Unlike in the previous year [2003], there were no reports of the SPLA forcibly recruiting refugees in northern Uganda." [3b] (Section 1f)

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6.C HUMAN RIGHTS: OTHER ISSUES

LORD'S RESISTANCE ARMY (LRA)

- 6.240 The US State Department's Report on Human Rights Practices for 2004 (USSD 2004), published on 28 February 2005, recorded that "During the past 19 years, the Lord's Resistance Army (LRA) kidnapped more than 20,000 Ugandan children, took them back to the southern part of Sudan, and forced them to become sex slaves, pack animals, or soldiers. Many of them have been killed." [3b] (Section 5) According to the US State Department's June 2005 Report on Trafficking in Persons, "The Lord's Resistance Army (LRA), a Ugandan rebel

group, continued to abduct children in war-torn northern Uganda for use as cooks, porters, sex slaves, and combat soldiers. Although Ugandan military offensives during the year significantly reduced LRA numbers, the group continued to conduct operations involving forced child soldiers from camps in southern Sudan.” [3c] (p201)

- 6.241 USSD 2004 reported that “The Ugandan Lords Resistance Army (LRA) kidnapped children in Uganda and brought them into the southern part of the country (see Section 5). [3b] (Section 1c) The report also stated that “Although Ugandan military operations significantly reduced LRA numbers, the LRA continued to operate in the South and to hold child abductees.” [3b] (Section 5) According to reports by the BBC and the UN Integrated Regional Information Networks (IRIN), attacks by and on members of the LRA in Sudan continued during 2004 and 2005. [14p, 14q, 14ak] [15ab-15af, 15cs, 15di, 15dx, 15eh]

- 6.242 The USSD June 2005 report on trafficking stated that:

“During the year, the government increased border cooperation and surveillance with the neighboring Government of Uganda to combat the LRA and its continuing terrorist operations in southern Sudan, including trafficking in children. The government permitted the Ugandan military to take action against the LRA on Sudanese territory along the Ugandan border. Sudanese security forces and SPLA elements also engaged LRA forces that had raided further north into Sudan.” [3c] (p202)

- 6.243 A February 2005 International Crisis Group (ICG) Policy Briefing entitled, ‘Peace in Northern Uganda: Decisive Weeks Ahead’, recorded that “Under pressure, the Sudan government has – for now at least – cut most of its links with the LRA, which for years it supplied with arms, food and sanctuary.” [63c] (p3) USSD 2004 recorded that “The Government permitted the Ugandan army access to the South to pursue the LRA [during 2004].” [3b] (Section 5)

- 6.244 The Institute for Security Studies’ (ISS) June 2004 report ‘Insecurity in South Sudan: A threat to the IGAD Peace Process’ recorded that the Government claimed in September 2002 to have ended its support for the LRA, “But since then a large number of reports from victims and their supporters in northern Uganda, together with the SPLM/A [Sudan People’s Liberation Movement/Army], have held that the Sudanese armed forces never ended their relations with the LRA.” [65a] (p8) The ICG’s February 2005 Policy Briefing also stated that it had information that the Sudanese government continued to provide support for the LRA. [63c] (p3) Even if this was not the case, the ICG expressed concern that Sudanese military intelligence officers might resume their support to the LRA as “There are elements in the Khartoum government that remain interested in keeping the organisation alive as a tool precisely for the purpose of destabilising the South.” [63c] (p5)

- 6.245 Following the signing of the peace agreement between the SPLM/A and the Government of Sudan on 9 January 2005, IRIN reported that John Garang, the leader of the former rebel movement, had said that the semi-autonomous government of south Sudan wished to help end the LRA’s rebellion in Uganda. [15i] (p1) Garang also stated that the SPLM/A was prepared to fight against LRA forces found within their territory. [15i] (p1) The ICG’s February 2005 Policy Briefing recorded that “There is a new possibility for enhanced economic and

political co-operation between at least the SPLM-dominated southern Sudan and Uganda.” [63c] (p2)

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TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOs)

- 6.246 According to the US State Department’s Human Rights Report for 2004 (USSD 2004), published on 28 February 2005, “Cooperation with U.N.-sponsored relief operations was often inadequate, although there was some improvement. The Government initially hindered NGO access and ability to supply needed food and other resources. After a sustained campaign of international pressure, the Government improved humanitarian access considerably in all regions, particularly Darfur.” [3b] (Section 1g)

SUDANESE HUMAN RIGHTS GROUPS AND NON-GOVERNMENTAL ORGANISATIONS

- 6.247 USSD 2004 recorded that the Government was generally uncooperative with and unresponsive to domestic human rights groups and that “Various local human rights groups were active in the country, but they suffered from occasional government harassment.” [3b] (Section 4) USSD 2004 stated that, unlike in 2003, there were no reports of NGO offices being occupied by Government forces, and that the arrest and detention of members of non-governmental organisations (NGOs) and civil society groups were less frequent in 2004. [3b] (Section 1d)
- 6.248 The International Federation for Human Rights (FIDH) and the Sudan Organisation Against Torture’s (SOAT) May 2004 joint report, ‘Sudan: One step forward, many steps back’, stated that “The period covered by this report [March 2003 to March 2004] had seen a relative period of stability in Sudan for human rights defenders, lawyers and civil society groups; they have been able to operate more openly in the public sphere and are rapidly expanding their activities.” [22a] (p23, 27) The report continued: “However, there remains some level of harassment and targeting of these groups that are of serious concern.” [22a] (p23)
- 6.249 The report went on to list six separate arrests that had occurred between March 2003 and March 2004, and described the treatment experienced by human rights defenders in Sudan; “Typical methods of harassment include monitoring by security and intelligence apparatus, arbitrary arrest, incommunicado detention, daily reporting to the security services offices and breaking up or cancelling meetings and conferences, especially those that are related to Darfur or/and the peace process.” [22a] (p23)
- 6.250 The International Commission of Jurists (ICJ) reported the arrest and detention of human rights lawyers between the months of March and June 2004. [55a-55c] In Urgent Actions and Press Releases produced by AI during 2004 and 2005, the organisation reported on the detention and arrest of human rights defenders, all of which involved persons from Darfur, or who worked in or in connection with the human rights abuses occurring there. [11g, 11j, 11u, 11v, 11ap, 11au] A December 2004 AI report, ‘Sudan: No one to complain to: No respite for the victims, impunity for the perpetrators’, stated that:

“Amnesty International has long documented the arbitrary arrests, prolonged detentions without charge or trial and harassment of certain lawyers and human rights activists by the Sudanese government. The extent of these practices indicates that they are the result of deliberate government policy, which does not only violate the fundamental rights of those engaged in legitimate human rights work, but also contributes to intimidate victims further.” [11u] (p9)

See also Section 5: [Judiciary](#)

- 6.251 The Sudan Organisation Against Torture (SOAT) also reported on the continued detention of human rights defenders, largely in connection with Darfur, in 2004 and 2005. [23b, 23e-23i, 23bc-23be] Both SOAT and AI reported on the arrest of Dr Mudawi Ibrahim Adam, the Chair of the Sudan Social Development Organisation (SUDO), in January 2005. [11f, 11i] [23b] (p16) Dr Adam had been previously arrested in December 2003 and later charged with ‘crimes against the state’, although the charges were dropped in August 2004. [11f, 11i] [23b] (p14) Dr Adam was again arrested on 8 May 2005, on the eve of his departure to Ireland to accept an award for his work in the field of human rights. [11ap] The World Organisation Against Torture (OMCT), whose information is largely provided by SOAT, recorded that:

“Initially the detainees were taken to an unknown place. They were later moved to a security detention centre known as ‘Altanfeezi’ (Executive) in Khartoum. On 10 May 2005, the detainees were transferred into Crimes against the State Attorney Custody, in Khartoum and placed under investigation where Dr. Mudawi and Mr. Yasir were charged under articles 53 (Espionage against the Country), a crime which carries the death penalty under the 1991 Sudanese Penal Code and 57 (Entering and Photographing Military Areas and Works).” [42o]

- 6.252 AI reported that “Dr Mudawi Ibrahim Adam was set free on 16 May. However, the charges against him (espionage and photographing military areas), like the 2004 charge of attempting to commit suicide, have not been officially dropped.” [11al] IRIN also reported, in May 2005, that members of the Sudanese Red Crescent (SRC) had been attacked, recording that “The Sudanese army, [SRC spokesperson Asaf] Bukhari said, had found the vehicle and suspected that most of the attackers were from the local Rashida tribe. One attacker reportedly came from the western Sudanese region of Darfur.” [15de]

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INTERNATIONAL HUMAN RIGHTS GROUPS AND HUMANITARIAN ORGANISATIONS

- 6.253 USSD 2004 recorded that “Foreign NGO staffs had major problems obtaining entry visas as well as work or travel permits for Darfur.” [3b] (Section 4) The report continued:

“Events in Darfur brought heightened levels of scrutiny from international NGOs, which the Government often resisted, although it did allow a number of human rights groups to visit the country. The Government initially made it very difficult for NGOs to operate in Darfur by denying visas, holding up the clearance of equipment and supplies at customs, denying permission to travel within the country, and harassing the humanitarian community, although visa

issuance and access for humanitarian workers improved somewhat later in the year [2004].” [3b] (Section 4)

- 6.254 However, the UN Secretary-General’s (UN SG) February 2005 report recorded that:

“December and January saw increasing harassment of international nongovernmental organizations (NGOs) by local authorities, particularly in Southern Darfur. In a worrying sign that earlier progress is being rolled back, systematic arrests, false and hostile accusations through national media outlets and outright attacks were combined with renewed restrictions on travel permits and visa applications.” [2e] (p6)

- 6.255 On 29 November 2004, the British Broadcasting Corporation (BBC) reported that “Sudan has reversed its decision to expel two senior international aid workers it claims have made political statements about the Darfur crisis. The country heads of British charities Oxfam and Save the Children were earlier told to leave within 48 hours.” [14a] USSD 2004 recorded that Amnesty International (AI), Human Rights Watch (HRW) and the president of the International Committee of the Red Cross (ICRC) visited the Sudan in 2004, whilst AI and HRW were reportedly able to travel throughout the country. The report recorded that “The U.N. also sent a number of different teams to the country to investigate the human rights situation and events in Darfur.” [3b] (Section 4)

- 6.256 USSD 2004, the British Broadcasting Corporation (BBC) and the UN’s Integrated Regional Information Networks (IRIN) reported on the continuing insecurity and deliberate attacks international aid organisations’ workers faced in Darfur during 2004 and 2005. [3b] [14h-14j, 14y, 14a] [15r-15t, 15ap, 15as, 15av, 15bc, 15bh, 15bm, 15cj, 15cx 15du] The UN SG’s February 2005 report on the situation in Darfur recorded that:

“The last six months have seen a substantial increase in lawlessness, in particular banditry and abduction, which have dramatically increased since October [2004]. This not only threatens the people of Darfur directly, but also interrupts the seasonal movement of livestock and impairs the delivery of vital humanitarian aid by attacks on transporters, looting, closure of roads and even attacks against humanitarian workers.” [2e] (p3)

- 6.257 In May 2005, IRIN recorded that “Sudanese authorities have arrested two senior officials of the medical charity Médecins Sans Frontières (MSF) over a report that claimed that hundreds of rapes had taken place in the western Sudanese region of Darfur, MSF said.” [15dr] SOAT and Amnesty International (AI) also reported on the arrests. [23ap] [61p] IRIN reported in June 2005 that all the charges against the MSF officials had been dropped. [15dy]

AREAS CONTROLLED BY THE SUDAN PEOPLE’S LIBERATION MOVEMENT/ARMY AND ARMED OPPOSITION FACTIONS

- 6.258 According to USSD 2004, “NGO workers who have worked in government held areas encountered problems receiving permission to work or travel in insurgent held areas.” [3b] (Section 2d) USSD also recorded that “Insurgent movements in the South also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission.” [3b] (Section 2d) And that “[NGO] Access in the South continued to

improve as the cessation of hostilities continued, although there were still some problems, notably in Southern Blue Nile.” [3b] (Section 4) UN SG’s February 2005 report recorded that “Rebel groups have also detained and harassed humanitarian workers and confiscated humanitarian assets, such as vehicles and water drills.” [2e] (p6)

- 6.259 UN SG stated that “Humanitarian access on the ground has expanded steadily over the last six months, with assessment and delivery activities increasingly reaching out to more isolated areas. However, insecurity replaced official restrictions as the main obstacle to humanitarian access since about October 2004 and attacks by the rebel movements have been further impeding humanitarian access since about November 2004.” [2e] (p5) USSD 2004 recorded that members of armed opposition groups in Sudan have been responsible for the killing of NGO workers. [3b] (p2) USSD 2004, the British Broadcasting Corporation (BBC) and the UN’s Integrated Regional Information Networks reported on the continuing insecurity and deliberate attacks international aid organisations’ workers faced in Darfur during 2004 and 2005. [3b] [14h-14j, 14y, 14al] [15r-15t, 15ap, 15as, 15av, 15bc, 15bh]

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INTERNALLY DISPLACED PERSONS (IDPs)

- 6.260 The Norwegian Refugee Council’s Global IDP Project published its latest detailed analysis of the IDP situation in Sudan, ‘Profile of Internal Displacement: Sudan’, on 24 March 2005. [43] According to the March 2005 Profile, “An estimated six million of its citizens have been forced from their homes, as a result of over 20 years of fighting between government troops and allied militias on the one hand and various insurgent groups on the other. In the Darfur region of western Sudan alone, the number of internally displaced people (IDPs) was approaching two million by March 2005, with no end to the suffering in sight.” [43] (p1)
- 6.261 The Profile also stated that “Although the government has officially undertaken to ensure the safety and protection of IDPs, displaced people all over the country continue to be exposed to serious violations of human rights and the laws of war, including along return routes and in areas of return.” [43] (p12) The International Rescue Committee (IRC) released two Programme Summaries on its operations in Sudan as a whole and in Darfur specifically, in March 2005. [62a-62b]
- 6.262 Regional IDP figures, which were estimated by the Global IDP Project and the USSD 2004 from available information, were:

Region/Area	Number of IDPs
Khartoum State	1.8 - 2 million
SPLM/A territories	1.4 million
Southern areas under governmental control	300,000
Upper Nile/Shilluk Kingdom	120,000
Darfur	800,000 - 1.84 million +
Eastern and Central ‘transitional zone’	500,000
Living in camps in the Sudan	700,000

[43] (p6, 9, 11, 64-65) [3b] (p1, Section 2d)

SOUTH, CENTRAL AND EAST SUDAN

- 6.263 In connection with the north-south conflict, the International Committee of the Red Cross (ICRC) 2003 stated that “An estimated four million people were still displaced and tens of thousands remained separated from members of their families [in 2003].” [58b] (p95) According to the Global IDP Project’s March 2005 Profile, “A ceasefire signed in October 2002 had already encouraged hundreds of thousands of IDPs to begin returning to the South. Now that a peace deal has been concluded, many more are expected to return and will need assistance to reintegrate, along with half a million returning refugees. Local communities will equally need support to recover from the devastating effects of war.” [43] (p1) The ICRC’s 2004 Annual Report recorded that “Following renewed fighting in the Upper Nile, the ICRC reopened its office in Malakal, where many people had sought refuge. It distributed relief goods to IDPs and residents in the area and began building a water-treatment plant for the town hospital.” [58a] (p104)
- 6.264 The Global IDP Project’s March 2005 Profile also stated that “Despite the hopes raised by the peace agreement, the reality on the ground has not improved for millions of IDPs and returnees, many of whom continue to face attacks, hunger and lack of assistance.” [43] (p2) In April 2004 IRIN reported that a regional analyst had stated that up to 75,000 people were thought to have been displaced by conflict in the nearby Shilluk Kingdom, which pitted government-backed Nuer and Shilluk militias against the Sudan People’s Liberation Movement/Army (SPLM/A). [15o] (p1)
- 6.265 The Global IDP’s Profile stated that “Since early 2004, some 120,000 people have been displaced in the Shilluk Kingdom by clashes between government-backed militias and armed groups that used to support the government but changed sides to ally themselves with the SPLM/A in October 2003.” [43] (p9) While in May 2005, IRIN reported that “At least 75 people have been reported killed and thousands more displaced in southern Sudan’s Lakes State since interclan violence, sparked by cattle rustling and disputes over pasture and water, erupted on 24 April [2005], aid workers said on Wednesday.” [15dh]
- 6.266 An IRIN report of August 2005 noted the difficulties that still faced those displaced by the southern conflict stating that “The Dinkas in Darfur exemplify a problem that is worrying the wider humanitarian community – how to adequately support hundreds of thousands of vulnerable people without creating large aid-dependent populations who don’t want to go back home.” [15aj]
- 6.267 With regard to east Sudan, the Profile reported that “There is a further threat of violent conflict in Kassala state in eastern Sudan where clashes between the Beja National Congress and government forces in late 2004 and early 2005 escalated into bloody confrontations. The Beja people have been excluded from the Naivasha process and have no forum to negotiate their political demands with the government.” [43] (p10) The January 2005 issue of the *Africa Research Bulletin* reported that there were more than 1 million Darfurians living in east Sudan, having migrated there to find work. [51] (16057A) A June 2005 report by the UN’s Integrated Regional Information Networks recorded the purported involvement of Justice and Equality Movement (JEM) forces in the conflict in east Sudan. [15dz]

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DARFUR

- 6.268 The International Committee of the Red Cross' (ICRC) Annual Report 2003 recorded that "Hundreds of thousands of people were displaced and tens of thousands fled across the border to Chad. From mid-November, government restrictions and insecurity effectively blocked humanitarian organizations' access to the conflict-affected areas." [58b] (p95) The Global IDP's March 2005 Profile reported that "Despite dire humanitarian conditions, IDPs in some camps have requested agencies not to deliver food, fearing that this would fuel further assaults and lootings (UN, 3 March 2005). There are concerns that the integration of militia members into the military and civilian law enforcement structures will not contribute to protecting IDPs, as many of them have perpetrated crimes against civilians." [43] (p7)
- 6.269 ICRC's 2004 annual report stated that "More than one-and-a-half-million people were displaced and living in crowded camps in Darfur and eastern Chad." [58a] (p102) While the UN Secretary-General reported in February 2005 that "As at 1 November [2004], the number of conflict affected persons, including internally displaced persons, host communities and others in need of relief, had risen to 2.3 million, more than one third of the estimated pre-conflict population in Darfur of 6 million." [2e] (p6) USSD 2004 recorded the insecurity IDPs in Darfur continued to face during 2004:
- "There were frequent reports of abuses committed against IDPs, including rapes, beatings, and attempts by the Government to forcibly return persons to their homes. The Government forcibly emptied some IDP camps; for example, on November 2 [2004], the Government closed two camps (Al Jeer and Otash), using tear gas to drive IDPs out. The Government stated that it merely was moving IDPs to newer, better camps. There also were numerous credible reports that government troops harassed IDPs or denied persons access to camps." [3b] (Section 2d)
- 6.270 Human rights groups, such as Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT), recorded that attacks against groups of IDPs occurred in the region during 2004 and 2005. [11d, 11u-11v, 11y-11ab, 11ah, 11at] [23b, 23e-23i, 23o, 23s, 23y-23z, 23ac, 23ae, 23ak, 23as, 23bc-23be] USSD 2004 also stated that "Women in Darfur were particularly vulnerable. Credible reports of rape were widespread. There were many reports of women who were raped if they left their IDP camps to gather food or wood. The Government was slow to acknowledge the severity of the problem, although it eventually appointed a commission to investigate rape allegations. The commission was neither active nor effective in stopping assaults against women." [3b] (Section 5)
- 6.271 IRIN reported, on 3 November 2004, that Sudanese forces had been forcibly relocating IDPs in the region for weeks, apparently in an attempt to intimidate the IDPs, and contrary to a Government agreement with the United Nations. [15ba] The World Organisation Against Torture (OMCT) reported on alleged cases of government forces inflicting human rights abuses against IDPs living in Kalma camp, including detention and torture, during July and August 2004. [42j, 42i] IRIN also reported, in May 2005, on the search of the Soba Eradi IDP camp by the authorities following an incident when "Fighting broke out in the camp on 18 May [2005] when security officers tried to forcibly relocate the IDPs from the

area. At least 30 people – 14 policemen and more than 20 IDPs – were reportedly killed.” [15dl, 15dp]

- 6.272 Another IRIN report of August 2005 noted the difficulties that IDPs in Darfur faced, including access to water and sanitation, shelter, and the constant need for protection from sexual and physical attacks. [15aj] The report continued, “I think the humanitarian situation remains fragile and although assistance has been increasing, the needs remain vast, and the needs will continue for the foreseeable future,” [Aoibheann] O’keeffe [acting head of the UN Office for Coordination of Humanitarian Affairs (OCHA) in El Fasher] noted.” [15aj]

See also Section 6.A: [The Darfur conflict](#); Section 6.B: [Ethnic groups/Darfur and Women/Darfur and internally displaced women in the north](#)

- 6.273 The Global IDP Profile recorded in March 2005 that “Humanitarian needs were not adequately met in Darfur until mid-2004 owing to insecurity and lack of human and financial resources on the ground.” [43] (p8) The Profile continued:

“Most IDPs have lost all their possessions and means of survival, and thus are completely dependent on humanitarian assistance. While some displaced have received help from local communities, many have been hiding in isolated areas; others camp at overcrowded sites where shortages of water and sanitation services resulted in a major epidemic of Hepatitis E during the second half of 2004, affecting 18,000 people.” [43] (p8)

- 6.274 Humanitarian access was improved by greater government co-operation, prompted by the international attention the crisis received but, as reported by USSD 2004, the British Broadcasting Corporation (BBC) and IRIN, the provision of humanitarian aid was still subject to frequent disruptions by government forces, rebel groups and the continuing insecurity in the region during 2004 and 2005. [3b] [14h-14j, 14y, 14al] [15r-15t, 15ap, 15as, 15av, 15bc-15bd, 15bh, 15bl, 15bx, 15cx, 15du]

- 6.275 The UN reported on the security and humanitarian situation in Darfur throughout 2004 and 2005. [2e, 2h-2r] The UN Secretary-General (UN SG) stated in his August 2005 report that “A huge number of displaced persons affected by the conflict and drought are being assisted by 13 United Nations organizations in collaboration with 81 international nongovernmental organizations. As at 1 July, approximately 3.2 million people were in need of assistance.” [2r] (p4) The UN SG’s August 2005 report also asserted that “Insecurity in camps for internally displaced persons in Western Darfur is a major concern.” [2r] (p4)

See Section 6.C: [Treatment of non-governmental organisations](#)

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KHARTOUM

- 6.276 USSD 2004 stated that “Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums ringing Khartoum.” [3b] (Section 2d) The Global IDP Project’s March 2005 Profile reported the UN’s 2005 assessment of the mix of IDPs in Khartoum as being “750,000 from southern Sudan; 510,000 from Transitional Areas; 270,000

from Darfur; 25,000 from Eastern Sudan.” [43] (p65) Also that “The major ethnic groups are the Dinka, Nuba, Missiriya and Fur. The smaller groups include the Shilluk 4.1%, Bari 4%, Firtit 3.2%, Nuer 2.3% and Fonj 2%.” [43] (p204) Concerning the treatment of different types of internally displaced persons, the Global IDP's Profile also reported the findings of a June 1997 Amnesty International (AI) report:

“Southerners and Nuba are widely seen as second class citizens and as supporters of ‘the enemy’, exposing them to discrimination and abuse. Sudanese law reinforces prejudice by differentiating between ‘squatters’ – people who arrived in Khartoum before 1984 (mainly because of drought and famine in western Sudan) – and the ‘displaced’ – people who arrived after 1984 (mainly southerners and Nuba fleeing the war). Squatters have the right to settle in Khartoum; displaced people do not. (AI 20 June 1997, ‘Sudan: abuse and discrimination’)” [43] (p87)

6.277 The Global IDP Project's March 2005 Profile stated that “A survey found that three-quarters of IDPs in Khartoum were unemployed, with 44 percent having received no formal education. Over half of them were under 20 years old (CARE/IOM, 28 February 2003).” [43] (p12) USSD 2004 reported that “Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.” [3b] (Section 6e)

6.278 A report compiled by the IRC in November and December 2004 on the situation of Khartoum's IDPs recorded that “Although there were some overall similarities/issues affecting internally displaced people in the four different areas surveyed (OeS, WeB, Soba Arradi and Mayo camp), there are also key distinctions that must be kept in mind.” [62c] (Key Findings) The report went on to list these distinctions – ethnic and social-economic, what replanning stage each camp had reached, the Crude Mortality Rate, proportion of Female Headed households and education – in more detail, and discussed the impact of the replanning process on concerns such as health, education, returns, leadership structures and the legal status of IDPs in Khartoum. [62c] (Key Findings) IRC's report stated that:

“In October 2003, the Ministry of Planning in Khartoum State began the re-planning process of two IDP camps, Wad el Bashier (WeB) and Omdurman es Salaam (OeS) and three squatter areas, Mayo Dar Naim, Soba Arradi and Salaama. The process was accelerated during the last months of 2004 and has led to some challenges that need addressing. It is believed that the current demolitions have affected over 250,000 people in Khartoum State.” [62c] (Background of the Assessment)

6.279 In 2004 and 2005, the UN's Integrated Regional Information Networks (IRIN) reported on the worsening conditions for IDP's residing in Khartoum. [15bf, 15bi, 15ci] The October 2004 report recorded that, in the Khartoum area, the government had demolished thousands of homes in three official camps. The government claimed the demolitions were part of an area-replanning programme. [15bf] (p1) The February 2005 report recorded how the vast majority of those made homeless were unable to afford the plots, or provide the necessary documentation required to purchase a new plot and that, of those that could, 6,000 were unable to afford the construction costs of building a new home. [15bi] (p2) IRIN's February 2005 report also outlined how the demolitions

had adversely affected the provision of basic services, such as medical clinics, latrines and water points. [15bi] (p3)

6.280 IRIN reported in March 2005 that "At least 11,000 internally displaced persons (IDPs) were forced to move following the demolition of the Shikan settlement, 18 km north of the Sudanese capital, Khartoum, a UN spokesperson said on Tuesday. They were now living rough in El Fateh, a desert area north of the capital, she added." [15ci] The report added that "More than 13,000 IDPs, displaced by the 21-year-old war that ended in southern Sudan in January, had found shelter in Shikan, a squatter area established in the 1980s. Nuba, Majanin, Arab, Shilluk, Dinka, Masalit, Felata and Khofra were among the ethnic groups in Shikan." [15ci]

6.281 In May 2005, the Sudan Organisation Against Torture (SOAT) reported on a violent confrontation between the IDPs and the police when the authorities attempted to forcibly relocate the residents; the report stated that "On 18 May 2005, several people were killed, 14 police officers, 6 civilians including two children and several others were wounded when violence broke out in Soba Aradi Area, with a population of 10, 000 people in Southern Khartoum." [23ai] A follow up report published by the same organisation in June 2005 recorded that:

"As a response to the incident, the government of Sudan has deployed extra police, military and security personnel on the streets of Soba. Persons residing in the Soba Aradi Area have been subjected to a government controlled campaign of mass arbitrary arrests and incommunicado detentions. Over 200 people have been arrested including women and children. The whereabouts of many of those are unknown to their families. Furthermore, on 24 May 2005, police officers shut off three out of four water pipes lines and tanks as a method to force people to leave the Soba Aradi area. At present the population in Soba are facing water shortages." [23aq]

6.282 An August 2005 press release by AI reported that "The organization [AI] is concerned that Shikan's residents have been arbitrarily relocated to camps without their consent, where they are deprived of fundamental human rights – including the right to health care and education." [11h] The report also stated that, on 17 August 2005:

"National security forces arrived with lorries, emptying the entire camp of its residents. 500 families were moved to Thawra camp, 170 families were relocated to Al-Fatah III, and 371 families will be allotted places to return to in Shikan.

Al Fatah III and Thawra are locations lacking the most basic means of survival. Thawra, located 55 kilometres north of Khartoum, was previously a garbage dump, and lacks all essential services. Water, healthcare, and educational facilities are non-existent as the location is no more than a patch of desert. Al Fatah III is better only in that it possesses one water pump." [11h]

6.283 AI noted that "Shikan is mainly populated by southern Sudanese and Darfuris who have been forced to flee their homes due to serious human rights abuses committed during the long-standing conflict, including severe economic deprivation." [11h]

REFUGEE MOVEMENT WITHIN NEIGHBOURING COUNTRIES

- 6.284 US Committee for Refugees International's (USCRI) 'World Refugee Survey 2005: Guinea – Sudan' provided a summary of the various causes of the country's massive internal displacement and refugee movement, and reported on the humanitarian and security situation for such persons during 2004. [24c] The World Refugee Survey's country reports also recorded the large numbers of Sudanese refugees in neighbouring countries as:

Countries	Number of Sudanese Refugees
Chad	225,000
Congo-Kinshasa (Democratic Republic of Congo)	45,200
Egypt	23,000
Ethiopia	90,500
Kenya	67,600
Uganda	214,800

[24c, 24d, 24e]

- 6.285 USSD 2004 recorded that "The largest number [of Sudanese refugees] was in Uganda, with approximately 223,000." And that, at the end of 2004 there were approximately 200,000 refugees from Darfur in Chad. [3b] (Section 2d) A September 2004 IRIN report stated that "The UN refugee agency UNHCR has invited the Chadian government to station 180 policemen in camps for Sudanese refugees in the east of the country in order to maintain order and prevent the camps from being infiltrated by armed combatants, a UNHCR official said on Wednesday." [15bh] (p1)
- 6.286 Although IRIN reported in February 2005 that UNHCR had estimated that 600,000 Sudanese had already returned, including over 200,000 non-registered refugees from neighbouring countries, in the same month it recorded a UNHCR statement that there were thousands of refugees in camps in Uganda who were reluctant to consider repatriation. [15bj, 15bo] The report stated that, among the concerns cited by the refugees were the lack of facilities, their political marginalisation within the opposition and the SPLA, and the security situation. [15bo] (p1) Although many Sudanese refugees apparently believed their situation in Uganda as refugees was better than that they would face in Sudan, they were still at risk of attack by the Lord's Resistance Army. [15bo] (p1-2)

RETURNING REFUGEES AND IDPs

- 6.287 The Global IDP Project's March 2005 Profile reported that:

"The challenges of return in southern Sudan are overwhelming, but have so far received little international attention and support. Two decades of fighting laid waste to huge swathes of Africa's biggest country. IDPs who already tried to return to their areas of origin faced continued attacks and the meagre resources and services available forced many to return to the displaced camps where they lived. The uprooted urgently need physical and legal protection as well as assistance to meet their basic needs along return routes and in areas of return. Local administrations are greatly under-resourced and unprepared for handling the return process. Likewise, return and rehabilitation activities planned by the international community have received hardly any funding during the past two years. In addition to a massive demand for basic services and new

infrastructure, a functioning judicial system will be needed to settle land and other disputes. Despite the hopes raised by the peace agreement, the reality on the ground has not improved for millions of IDPs and returnees, many of whom continue to face attacks, hunger and lack of assistance.” [43] (p7)

- 6.288 The ICRC’s Annual Report 2003 recorded that “For the first time in years, the ICRC, with permission from the government and SPLM/A, was able to escort a large group of displaced children across front lines and reunite them with their parents.” [58b] (p95) ICRC’s 2004 Annual Report also recorded that “With government and SPLM/A permission, the ICRC escorted a total of 86 people, most of them children, across front lines and reunited them with their families – the biggest programme of this type in years.” [58a] (p104)
- 6.289 Between 2004 and 2005, IRIN and the BBC reported on the return of refugees and IDPs to south Sudan, including the lack of infrastructure and food insecurity the returnees faced. [15aw, 15bf, 15bi-15bj, 15bs-15bu, 15by, 15ca, 15ch, 15cu, 15cy-15cz, 15dc, 15dj, 15dq, 15dx, 15ed-15ee, 15eh] [14v, 14ae] A February 2005 IRIN report recorded a UNHCR estimate that 600,000 Sudanese had already returned, including over 200,000 non-registered refugees from neighbouring countries, possibly as many as 400,000 IDPs and that thousands more were expected to return in the following months. [15bj] (p1) The report stated, “The returnees were, however, arriving in an area lacking basic infrastructure – from roads, schools, clinics and buildings for the local civil authorities, to protection for the returnees.” [15bj] (p1)
- 6.290 Another February 2005 IRIN report recorded that the worsening conditions for IDPs in Khartoum may have been a contributing factor to the number of IDPs who had already returned to the south. [15bi] (p1) The report stated that “According to OCHA [UN Office for the Coordination of Humanitarian Affairs], an estimated 360,000 IDPs had returned to the southern areas during 2004, the majority coming from the Khartoum area. They have returned to places such as Kost, Bentiu, Juba and Malakal.” [15bi] (p1) However, IRIN recorded in 2004 and 2005 that it has not always been safe for those returning, citing continuing insecurity in some areas of the south including the threat of harassment, taxation, severe hunger, banditry and sexual abuse, which some IDPs have experienced whilst returning home. [15aw, 15bf, 15bi, 15cb, 15cd, 15ct-15cu, 15db, 15dh-15di, 15dx, 15eh]
- 6.291 The UN SG’s February 2004 report recorded that, in Darfur:
- “Since the Management and Coordination Mechanism [concerning the voluntary return of internally displaced persons] was established, progress has been made in reaching definitions of appropriateness and voluntariness and establishing standard operating procedures, and these definitions have been practically implemented. However, in November 2004, the Management and Coordination Mechanism ruled relocations conducted in Nyala town, Southern Darfur as ‘inappropriate’ and ‘involuntary’.” [2e] (p7)
- 6.292 Human Rights Watch’s (HRW) November 2004 report ‘“If We Return, We Will Be Killed” Consolidation of Ethnic Cleansing in Darfur’, Sudan, dealt extensively with the subject of forced and voluntary returns and relocation in Darfur. [10a]

See also Section 6.A: [Freedom of movement/Returning Sudanese nationals](#)

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Annex A: Chronology of events

1989 June: Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. 30 members of the former government were detained. [1] (p1090)

For further information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, source [1].

1991 August: Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. [1] (p1091)

1992 February: A 300-member transitional National Assembly was created, comprised of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. [1] (p1091)

1993 October: The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. [1] (p1091)

1994 February: Sudan was redivided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. [1] (p1091)

1995 June: The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. [1] (p1092)

1996 March: First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. [1] (p1092)

1997 April: The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. [1] (p1093)

1998 May: Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. [1] (p1093)

1999 January: The Political Association Act came into effect. The voting age was changed from 18 to 17. [1] (p1093)

November: On 26 November the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. [1] (p1093)

December: On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow. [1] (p1093)

- 2000** **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. [1] (p1093)
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. [1] (p1094) The Government extended the state of emergency from 3 to 12 months. [1] (p1093)
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. [1] (p1094)
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed new political party called the Popular National Congress. [1] (p1091)
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. President al-Bashir extended the state of emergency in Sudan for another year. [1] (p1094)
- 2001** **January:** On 3 January, President al-Bashir extended the state of emergency for a further year. [1] (p1094)
February: On 12 February, President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. [1] (p1094)
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. [1] (p1097)
- 2002** **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. [1] (p1094)
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved of the peace deal but no agreement was reached regarding a ceasefire. [1] (p1095)
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. [1] (p1095)
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. [1] (p1095)
December: Sudan's Parliament approved the extension of the state of emergency for another year. [1] (p1094-5)
- 2003** **February:** In the Darfur States, members of the Fur, Zaghawa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. [1] (p1096)
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. [14g] (p4)
December: The Government and rebels agreed to share oil wealth. [14g] (p4)

- 2004** **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing more than 100,000 people to seek refuge in neighbouring Chad. [14g] (p4)
- March:** A UN official said pro-government Arab 'Janjaweed' militias were carrying out systematic killings of African villagers in Darfur. [14g] (p4) Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. [14g] (p4)
- April:** The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which didn't hold, as clashes continued. [1] (p1096)
- July:** On 30 July, the UN Security Council passed a resolution which stated that the Council might take measures against Sudan if it did not show progress on achieving the commitments – particularly the pledges to disarm the Janjaweed and restore security to Darfur – it had outlined in a joint communiqué with the UN earlier that month. [2i]
- September:** The UN envoy said Sudan had not met targets for disarming pro-government Darfur militias and must accept outside help to protect civilians, whilst the US Secretary of State Colin Powell described the Darfur killings as genocide. [14g] The Government claimed to have foiled a coup plot by supporters of Hassan al-Turabi. [14g]
- October:** On 20 October, the African Union (AU) agreed to boost the number of peacekeepers in Darfur and to send in a civilian police force. The deployment of the armed force, which would number 3,320, was expected in a matter of weeks. [15ak]
- November:** On 9 November, the Sudanese government agreed to end military flights over Darfur and signed a series of breakthrough agreements in the Nigerian capital city, Abuja, touching on security and humanitarian issues to end 20 months of hostilities with the region's rebels. [15ak]
- December:** On 13 December, continuing violence in Darfur was reported to be derailing efforts to find a political road map out of the Darfur crisis, according to delegates at AU-sponsored talks in Abuja. [15ak] On 31 December, a permanent ceasefire was signed by the Government of Sudan and the SPLM/A. [15ar]
- 2005** **January:** On 9 January, the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. [14ag] [15al] On 13 January, it was reported that a third rebel movement, called the National Movement for Reconstruction/Reform and Development, had emerged in Darfur and was successfully negotiating with the Sudanese government. [15aq] On 17 January, the Government of Sudan and the National Democratic Alliance signed a preliminary peace agreement in Cairo. [14ad] [15aq] On 25 January, the Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General is released, which concluded that the human rights abuses committed in Darfur did not amount to genocide. [2c]
- February:** On 23 February, it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). [13a]
- June:** the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. [14g] (p4) Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. [14g] (p4)
- July:** On 9 July, the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president

and a Constitution, giving the south a large degree of autonomy, was signed.

[14g] (p4) On 11 July, President al-Bashir issued a decree ending the country's 16-year state of emergency in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea. [15bw]

August: 1 August – the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese.

[14g] (p4) [15c, 15ek] [22d] [23ay-23az] Garang was succeeded by Salva Kiir.

[14g] (p4)

See also Section 4: History and Section 6: Human rights for information on events affecting the human rights of individuals and groups, and the restriction of fundamental freedoms.

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Annex B: Main political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces

Based in Khartoum. The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. [1] (p1113)

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA. According to the Danish Fact Finding Report of 2001, "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." [9b] (p18) The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, according to sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. [28] (p3) However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. [28] (p3) According to sudan.net, "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." [28] (p3)

Beja Congress (BC)

Founded - 1958. [47] Secretary-General (Internal) - Osman Fagarai, a Police General. [3a] (p9)

According to the Beja Cultural and Educational Trust (BECT) website, a meeting of the Beja tribes in Port Sudan took place in October 1958 during which the Beja Congress (BC), as it later became known, was formed. [47] The BC was originally created to draw attention to the political and economic grievances of the Beja people. [47] The 1964 parliamentary elections were the BC's first real political test; it scored a landslide victory over the rival political parties in the region. [47] The BECT website stated that, following the 1989 coup after which all political parties were dissolved, the BC turned to armed struggle and waged several military confrontations with al-Bashir's regime. [47]

The *Sudan Tribune* reproduced an August 2004 Reuters report in which "The Beja Congress, which claims to control large parts of the east, say they're still observing a self-imposed ceasefire and would attack only if provoked." [18] The report stated that the BC's ceasefire had been in effect since November 2003, as the rebels awaited the final result of the north-south peace talks. [18]

The Beja Congress refused to attend the January 2005 Government of Sudan-National Democratic Alliance (NDA) peace talks in Cairo that resulted in a preliminary peace agreement between the two parties. [15ag] [14ad] In January 2005, leading members of the Beja tribe presented a list of demands to the Government authorities in Port Sudan, an action followed by the demonstration of thousands of Beja. [3b] [14z] [61f] [11c, 11e] [15be] [23b] (p16) Agence France Presse reported in February 2005 that the Beja Congress and the Free Lions, also a member of the NDA, had merged to become the Eastern Front. [13a] The same report stated that the two groups had withdrawn from the National Democratic Alliance in 2004. [13a] However, the *Sudan Tribune* published material from BBC Monitoring earlier the same month that contained interviews with the leaders of the two groups, in which it was not clear whether a full split had occurred, or if such a split was permanent. [12]

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition factions - east Sudan; **Section 6.B:** Ethnic groups/Beja;

Annex B: National Democratic Alliance and **Annex C:** Non-arab ethnic groups collectively known as the Beja

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader - Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. [1] (p1113)

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. [8] (p440) [1] (p1089) *Political Parties of the World* stated that "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." [8] (p440)

According to the report of the 2001 Danish Fact Finding Mission, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. [9b] (p17)

Democratic Unionist Party (DUP/DUP-Hindi) - (registered) [49a]

Leader - Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA. [9b] (p17)

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. [8] (p440)

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman - Philip Abbas Ghabbush. [1] (p1113)

Independent Democrats

Based in Khartoum. Leader - As-Samawitt Husayn Osman Mansur. [1] (p1113)

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Islamic-Christian Solidarity

Based in Khartoum. Founder - Hatim Abdullah az-Zaki Husayn. [1] (p1113)

Islamic Revival Movement

Based in Khartoum. Founder - Siddiq al-Haj as-Siddiq. [1] (p1113)

Islamic Socialist Party

Based in Khartoum. Leader - Salah al-Musbah. [1] (p1113)

Islamic Ummah Party (IUP) - (registered) [49a]

Officially registered as a political party on 13 April 1999. Leader - Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. [1] (p1113)

Justice and Equality Movement (JEM) [15I]

Darfurian-based political movement/rebel group that emerged in 2001. [2c] (p39) Leader - Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. [11t] [2c] (p39) Split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. [2c] (p39)

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government....The message is designed to appeal to all marginalized Sudanese - whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan." [2c] (p39)

The report continued:

"In the field, it is difficult to make a distinction between JEM and SLM/A, as most often reports on actions by rebels do not distinguish between the two. It has been reported that members of the JEM have yellow turbans. It also appears that while SLM/A is the larger military actor of the two, the JEM is more political and has a limited military capacity, in particular following the reported split of the group and the ensuing emergence of the NMRD." [2c] (p39)

The ICI also stated that "The Commission obtained very little information about the size and geographic location OF *[sic]* JEM forces in Darfur. Most of its members appear to belong to the Zaghawa tribe, and most JEM activity is reported in the northern parts of West Darfur." [2c] (p39) The National Movement for Reconstruction/Reform and Development reportedly emerged from a split in the JEM caused by the dissatisfaction of some JEM members at Hasan al-Turabi's influence over the armed group. [15aq]

See also Section 6.A: [The Darfur conflict and Darfur peace talks](#); **Section 6.B:** [Ethnic groups/Darfur](#);

See also Annex B: [National Movement for Reconstruction/Reform and Development](#) and **Annex C:** [Black ethnic groups - Darfur](#)

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. [1] (p1113)

Korbaj (which in Arabic means 'whip')

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. [2c] (p40)

Moderate Trend Party

Based in Khartoum. Leader - Mahmud Jiha. [1] (p1113)

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. [1] (p1113)

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that "NMRD leader Nourane Manawi Bartcham, told an IRIN correspondent in N'Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement." [15aq] The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. [15aq] According to the ICI, "On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state." [2c] (p40)

See also Section 6.A: [The Darfur conflict](#) **and** [Darfur peace talks](#); **Section 6.B:** [Ethnic groups/Darfur](#);

See also Annex B: [Justice and Equality Movement](#) **and Annex C:** [Black ethnic groups - Darfur](#)

Nile Valley Conference

Based in Khartoum. Founder - Lt-Gen (ret) Umar Zaruq. [1] (p1113)

Popular Masses' Alliance

Based in Khartoum. Founder - Faysal Muhmad Husayn. [1] (p1113)

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Popular National Congress Party (PNC/PC) (also referred to as the People's National Congress or Popular Congress)

Founded - June 2000. Founder and leader - Hassan al-Turabi [1] (p1113)

According to Europa's Regional Surveys of the World: Africa South of the Sahara 2005, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. [1] (p1094) Al-Turabi was detained on 21 February 2001 and finally released in October 2003. [67] The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004. [14c-14e] One report stated that "Sudanese authorities have suspended the party of the main opposition Islamist leader Hassan al-Turabi from political activity, a Sudanese newspaper said. Security forces have also reportedly shut down the party's headquarters." [14c] Seven of those arrested were released in July 2004, according to the BBC. [14m]

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. [14g] Mass arrests of party activists – including students – in Khartoum and Darfur, and tight security controls in the capital, followed. [11u] (p20-21) Hassan al-Turabi was released by the Government of Sudan on 30 June 2005 but many other members of the party are known or believed to still be in detention. [11s-11t] [23be] (p8)

An IRIN report of July 2005 recorded that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." [15bw]

See also Section 6.A: Freedom of assembly and association/Members and supporters of the Popular/People's National Congress (PNC/PC):

Annex B: Justice and Equality Movement

Al Shahamah (which in Arabic means 'The Nobility Movement')

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [2c] (p40) The report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. [2c] (p40) The ICI continued, "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." [2c] (p40)

Socialist Popular Party

Based in Khartoum. Founder - Sayyid Khalifah Idris Habbani. [1] (p1113)

Sudanese Central Movement

Based in Khartoum. Founder - Dr Muhammad Abu al-Qasim Haj Hamad. [1] (p1113)

Sudanese Communist Party

Formed in 1944. Periodical - *Al-Midan*. [48] Leaders - Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

According to sudan.net, "The SCP was formed in 1944 and early established a strong support base in universities and labour unions." [28] (p3) The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. [9b] (p17) The report stated that "Adlan's faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces." [9b] (p17) The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. [28] (p3 [9b] (p17)

The 2001 Danish Fact Finding Report stated that "Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime." [9b] (p17) Fatimah Ibrahim returned to Sudan on 17 December 2003 after an absence of over 13 years, according to an unattributed report published on the Sudanese Media Centre website the same day. [66]

An IRIN report of July 2005 recorded that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." [15bw]

Sudanese Green Party

Based in Khartoum. Founder - Professor Zakaraia Bashir Imam. [1] (p1113)

Sudanese Initiative Party

Based in Khartoum. Leader - J'afar Karar. [1] (p1113)

Sudanese Liberation Movement/Army (SLM/A)

Formed in February/March 2003 from a secessionist group known as the Darfur Liberation Front (DLF) by Darfurian groups, particularly the Fur, Zaghawa and Massaleit, to fight against what they perceived to be “marginalisation, racial discrimination and exploitation” in their region. [15h] The movement’s stated aim was to create a united democratic Sudan on the foundation of equality and decentralisation of power. [15j-15k]

According to the ICI report of January 2005:

“During the Commission’s meetings with the SLM/A leadership in Asmara, Eritrea, it was made clear that the group is divided into a political arm, the ‘Movement’, and a military arm, the ‘Army’. At the outset of the conflict, the structure of the SLM/A remained unclear. In October 2003, the SLM/A reportedly held a conference in North Darfur State during which changes in their structure were discussed and a clear division of work proposed between the military and the political wings. Nowadays, and following the discussion members of the Commission had with SLM/A representatives in Eritrea, it appears that the movement’s non-military chairman is Abdel Wahid Mohamad al Nur and that the main military leader and the group’s Secretary-General is Minnie Arkawi Minawi. The negotiation team in the peace talks with the Government is headed by Dr. Sherif Harir. Little is known about the detailed structure, or about the actual size of the military arm. According to information obtained by the Commission, the SLM/A has acquired most of its weapons through the looting of Government installations, in particular police stations as well as army barracks. Other sources claim that foreign support has also played an important role in the build-up of the SLM/A forces. The Commission, however, was not in a position to confirm this.” [2c] (p38)

The report continued:

“The Commission obtained little information about the areas controlled by the SLM/A in Darfur. While certain rural areas are said to be under the group’s control, given its operation as a mobile guerilla group, these areas of control are not fixed. In the beginning of the conflict most of the fighting seems to have taken place in North and northern West Darfur, while it gradually moved southward into South Darfur during the last months of 2004.” [2c] (p38)

See also Section 6.A: [The Darfur conflict](#) **and** [Darfur peace talks](#); **Section 6.B:** [Ethnic groups/Darfur](#);

Annex C: [Black ethnic groups - Darfur](#)

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Sudanese National Movement for the Eradication of Marginalisation

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [2c] (p40) The ICI stated that this group, the Sudanese National Movement for the Eradication of Marginalisation, emerged in December 2004 when it claimed responsibility for an attack on Ghubeish in Western Kordofan, and that “Little is known of this groups [*sic*], but some reports claim it is a splinter group from the SLM/A.” [2c] (p40)

Sudan People’s Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed - 1983. [48] Leader - Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. [14g] Now the ruling party in south Sudan and a member of the National Government of Unity. [15aw, 15bw]

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. [28] (p2) Rather than ending the mutiny, Garang encouraged other garrisons to rebel. [28] (p2) According to a February 1999 article by the European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA) the SPLM/A is made up of mostly Christian and animist opposition movements. [5b] The SPLM/A claims to want self-determination for the southern Sudanese and a secular and democratic Sudanese government but not full independence for southern Sudan from northern Sudan. [5b]

According to the 2000 Danish Fact Finding Report, any Sudanese national can join the SPLM/A regardless of ethnic origin or religion. [9a] (p18) The report stated that "Most of its membership is drawn from three provinces in southern Sudan: Eastern Equatoria, Western Equatoria and Bahr El Ghazal, but the movement also has members from the Nuba Mountains, the Blue Nile province and to some extent from Darfur." [9a] (p18)

A number of splinter groups emerged from the SPLM/A, such as the South Sudan Independence Movement/Army (SSIM/A), the Sudan People's Defence Force, SPLM-United and the Equatoria Defence Force. [49b] The leaders of these splinter groups have slowly realigned themselves with the SPLM-Mainstream, resulting in these groups splintering into pro- and anti-SPLM/A camps (the latter usually at least loosely aligned with the Government). [49b] This has resulted in conflict between the different factions, often spilling over into attacks on and between the civilian populace. [65a]

On 31 December 2004 the Government of Sudan and the SPLM/A signed a permanent ceasefire and, on 9 January 2005, both parties signed the Comprehensive Peace Agreement, bringing to an end the north-south conflict that had raged for 20 years. [51] [14w, 14ab, 14af] [15al] [15bn] [15bp-15bq] John Garang became First Vice President of the Sudan on 9 July 2005 but was killed in an air crash at the end of July 2005. [23ay] Salva Kiir, previously Garang's deputy, assumed the leadership of the SPLM and was later sworn in as First Vice President. [15aw, 15bw] The SPLM, which will be responsible for a largely autonomous south for the six years prior to a referendum on self-determination, will have a 28 per cent share in parliament and a 30 per cent share of jobs in the central administration. [51] [14w, 14ab, 14af, 14ag] [15ah, 15al, 15bn, 15bp]

See also Section 6.A: The north-south conflict, North-south peace talks, Implementation of the Comprehensive Peace Agreement and Members and supporters of armed factions - central/south Sudan;

Annex B: National Democratic Alliance **and Annex C:** Black ethnic groups (central and southern Sudan)

Sudanese National Party (SNP)

Based in Khartoum. Leader - Hasan al-Mahi - participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). [31b]

Umma Party (UP/'mainstream UP')

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

According to information found on sudan.net, "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989."

[28] (p1) The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. [28] (p1) BBC News online reported in November 1999 that the Government had signed a peace accord with the Umma Party. [14a] (p1)

The Danish Fact Finding Mission of 2001 stated that there was reportedly internal conflict due to the party's conciliation agreement of 1999 and continued co-operation with the Government. [9b] The party was a member of the NDA until, according to Europa 2005, it withdrew its membership in March 2000. [1] (p1113) The UP had been able to perform its functions as a political party almost unhindered by the government since withdrawing from the NDA but, in April 2005, the party was formally banned. [15cq] IRIN reported that:

"The [news] agencies said security forces surrounded the party's headquarters on Wednesday morning, to stop a rally to celebrate the 20th anniversary of the fall of a previous regime. Scores of officials and party members were arrested.

Subsequently, officials received a notification banning all political activities by the party, claiming it had not been properly registered." [15cq]

Nevertheless, in July 2005 IRIN reported that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." [15bw]

See also Section 6.A: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party (UP)

Umma Party (registered) [49a]

Breakaway faction of UP-Mainstream, no longer in existence. Leader - Nur Jadayn

The *Khartoum Monitor* website reported in August 2002 that a faction of the Umma Party, led by Nur Jadayn, which had previously broken away from the main party, had reportedly dissolved. [50] (p1) The dissolved faction's former members joined with the ruling National Congress Party while Jadayn claimed that the Umma party was undemocratic and accused it of plotting against his and his fellow members' religion. [50] (p1) According to an October 2002 article by 'Facts on File World News Digest', al-Bashir reshuffled his cabinet in August 2002 and included seven politicians from the breakaway faction. [44]

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)

A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the former's political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. [65b]

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. [65b]

National Democratic Alliance (NDA)

Formed in 1989. Periodical - *Al-Fajr*. [48] Asmara-based organisation. Chair - Osman al-Mirghani. Vice Chairman, Leadership Council - General Fathi Ahmed Ali. [16b] (p1) Secretary-General - Joseph Okelu. Commander-in-Chief (of the Unified Military Command of the NDA) - John Garang. [16a] (p2) [16c] (p1) The opposition movements that are members of the NDA include:

Beja Congress (BC)*

Baa'th Party (pro-Iraq)* [9b]

Baa'th Party (pro-Syria) [9b]

Democratic Unionist Party (DUP - Mirghani faction and its groupings)* [9b]

Legitimate Command (LC)* - formed from dissident military officers from Sudan

Sudan Alliance Forces (SAF)* - founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman)

Sudan African National Union (SANU)* [9b]

Sudanese Communist Party (SCP - Nogud faction)* [9b]

Sudan Federal Democratic Alliance (SFDA)* - founded 1994, Chair - Ahmad Dreige - advocates a decentralised, federal structure for Sudan

The Sudanese National Party (SNP)* [9b]

The Sudan People's Democratic Front (SPDF) [9b]

The Sudan People's Liberation Movement (SPLM)* - Leader - Salva Kiir - now also President of south Sudan and First Vice President of the National Government.

Free Lions Association* - an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. [9b]

Sudan Liberation Movement - an armed rebel group based in Darfur but with a national agenda. [15k] [15j]

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified independent national figures and unidentified representatives of the liberated areas. [16a] (p1)

Political Parties of the World, published in 2002, stated that "The NDA was formed after the 1989 military coup as an umbrella organization linking a disparate group of opponents of the Bashir regime." [8] (p440) The Alliance's own website stated that the NDA set up its headquarters outside Sudan in Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. [16a] (p1)

A February 2005 Agence France Presse report stated that the Beja Congress and the Free Lions had withdrawn from the National Democratic Alliance in 2004, and merged to become the Eastern Front. [13a] However, the *Sudan Tribune* published material from BBC Monitoring earlier the same month that contained interviews with the leaders of the two groups, in which it was not clear whether a full split had occurred, or if such a split was permanent. [12]

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. [15aq] [14ad] In February 2005 IRIN reported that 30 top officials of the NDA attended a conference funded by the US-

based International Republican Institute, which was aimed at strengthening and developing Sudan's opposition parties. [15ay] Member parties of the NDA are due to receive an allocation of 14 per cent of the seats in Parliament, under the power-sharing agreement of May 2004. [15ah] The new government was due to have been set up by 9 August 2005, according to the Comprehensive Peace Agreement but was delayed due to disputes over the allocation of government posts. [81]

See also Section 6.A: [North-south peace talks](#);
Annex B: [Beja Congress](#)

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Annex C: Main ethnic groups

This list should not be viewed as exhaustive.

The US State Department's Human Rights Report for 2003 (USSD 2003), published on 25 February 2004, stated that "The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." [3a] (p30)

See also [Annex D: Languages of Sudan](#)

Arab ethnic groups (mostly north Sudan and parts of central and southern Sudan)

Baggara, Batahin, Beni Helba, Budairia, Dar Hamid, Habbania, Hamar, Hamr, Hassania, Hawasma, Hawawir, Jawamia, Kababisch, Kawahila, Kinana, Jaalin, Jim, Manasir, Masiria, Musallmia, Rubatab, Rufaa, Ruzaikat, Schaikia, Schukria, Selim, Taaischa [40]

According to *Encyclopaedia Britannica* (EB) 2004, "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." [6b] (p2) EB 2004 also recorded that "Despite a common language and religion, the 'Arabs' do not constitute a cohesive group: they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers, and pastoral nomads." [6b] (p2)

EB 2004 recorded that:

"The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The tribal system has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels. Each Arab tribe or cluster of tribes is in turn assigned to a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah." [6b] (p2-3)

According to EB 2004, the Jalayin consisted of the sedentary agriculturalists along the middle Nile, whilst the Juhaynah encompassed the nomadic tribes of western and north-eastern Sudan, although some of them have also settled. [6b] (p3) The website of a photographer, F Jack Jackson, displayed one photograph of a Baggara tribeswoman taken in Sudan prior to the outbreak of the north-south civil war. [73]

Non-arab ethnic groups collectively known as the Beja (north-east Sudan)

Amarar, Beni Amer, Bischarin, Hadendoa [40]

According to EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) most Beja, pastoral nomads who inhabit the Red Sea Hills and have probably done so since ancient times, speak Arabic as a second language, and Arab influence has led the Beja to adopt Islam. [6b] (p3) [35a] (p4) LoC 1991 stated that the Beja adopted genealogies which link them to Arab ancestors, Arabised their names and included Arabic terms in their language. [35a] (p4) However, EB 2004, LoC 1991 and Ethnologue 2004 agreed that the Beja are mostly descended from an indigenous people and have retained their Bedawiye language. [6b] (p3) [35a] (p4) [34] (p4) LoC's

1991 study stated that “In the 1990s, most Beja belonged to one of four groups – the Bisharin, the Amara, the Hadendowa and the Bani Amara.” [35a] (p4)

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition factions - east Sudan; **Section 6.B:** Ethnic groups/East Sudan;

Annex B: Beja Congress

Black ethnic groups - Darfur (north-west Sudan)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa [40]

According to the UNHCR's June 2000 Background Paper the Massaleit are black African Muslims who live in Darfur State in the north-west of Sudan. [2a] (p22) According to the *Encyclopaedia of Peoples of the World*, published in 1993, and Ethnologue 2004, the Massaleit, whose language is also called Massaleit, totalled around 67,000. [38] (p391) [34] (p14) The LoC 1991 study stated that the Massaleit lived on the Sudan-Chad border and were primarily cultivators. [35a] (p5)

EB 2004 stated that “Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west.” [6b] (p3) According to the LoC 1991 study, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. [35a] (p5) The *Encyclopaedia of Peoples of the World* and Ethnologue 2004 stated that the Fur tribe, who speak a language also called Fur, numbered an estimated 55,000. [38] (p221) [34] (p2) LoC's 1991 Study noted that “Those [Fur] who acquired a substantial herd of cattle could maintain it only by living like the neighbouring Baqqara Arabs, and those who persisted in this pattern eventually came to be thought of as Baqqara.” [35a] (p5)

According to EB 2004, the LoC 1991 study and Ethnologue 2004, on the plateau north of the Fur is the tribe the Arabs call the Zaghawa, who speak Zaghawa and large numbers of whom live in Chad. [6a] [34] (p21) [35a] (p5) [34] (p21) The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. [35a] (p5) According to Ethnologue 2004, the Zaghawa in Sudan numbered approximately 102,000 in 1982. [34] (p21) The LoC 1991 study stated that although “Herders of cattle, camels, sheep and goats, the Zaghawa also gained a substantial part of their livelihood by gathering wild grains and other products.” [35a] (p5) The study also stated that whilst they were “Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation.” [35a] (p5)

Human Rights Watch (HRW) reproduced a ‘Map of Darfur’, dated 2004, on its website, which showed the approximate locations of the main tribes in Darfur. [10h] A Justice Africa paper entitled ‘Who are the Darfurians? Arab and African Identities, Violence and External Engagement’ detailed the historical, political and economic development of the Darfur region and its inhabitants. [52a] A June 2004 Guardian Unlimited (UK) special report made one reference to the practice of scarification in Darfur, stating that “Refugee women in Mornay [Murnei] have African ritual facial scarring - three vertical stripes on each cheek - but also wear Muslim charms.” [71] (p3)

See also Section 6.A: The Darfur conflict, Darfur peace talks and Freedom of assembly and association/Members and supporters of armed factions - Darfur; **Section 6.B:** Ethnic groups/Darfur;

See also Annex B: Justice and Equality Movement, National Movement for Restoration/Reform and Development and Sudan Liberation Movement/Army

Black ethnic groups collectively known as the Nubians (parts of north Sudan)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi [40]

EB 2004 stated that “Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north.” [6b] (p3) According to EB 2004 and the LoC 1991 study, the most prominent of these groups, the Nubians, lived along the Nile in the far north and in southern Egypt. [6b] (p3) [35a] (p4) However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. [35a] (p4) EB 2004 and LoC’s 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. [6b] (p3) [35a] (p4) Languages of the World, published in 1995, stated that approximately 2.5 million Sudanese people spoke a Nubian dialect. [39] (p357-358) LoC 1991 also stated that “Other, much smaller groups speaking a related language and claiming a link with the Nile Nubians have been given local names, such as the Birqid and the Meidab in Darfur State.” [35a] (p4)

See also Section 6.B: [Ethnic groups/Nubians](#)

Black ethnic groups collectively known as the Nuba (central Sudan)

Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi, Temeini [40]

EB 2004 stated that “One of the most important non-Muslim peoples in The Sudan is the Nuba, who live in the Nuba Mountains north of the Nilotes.” [6b] (p4) According to the US Committee for Refugees’ (USCR) 2000 report, ‘The Crisis in Sudan: The Nuba People - Confronting Cultural Liquidation’, the Nuba Mountains cover about 30,000 square miles, approximately a third of which consists of mountains, in Southern Kordofan. [24a] (p2) The USCR’s report also recorded that the area contains few significant roads or towns and stretches to Dilling in the north, past Talodi and Buram in the south, Lagowa in the west and beyond Heiban in the east. [24a] (p2) The report further explained that “The numbers of Nuba are unclear.” [24a] (p2) It stated that Nuba estimates placed the figure at between 1.2 million and 2 million, the Government contended that there were 1.1 million Nuba in Sudan. [24a] (p3)

According to the 2000 USCR report and the US Library of Congress’ 1991 Country Study (LoC 1991), the Nuba are a complex people of approximately three dozen black ethnic groups with many cultures, who speak more than 50 languages, which are collectively known as ‘Hill Nubian’. [24a] (p2) [35a] (p9) Examples of the various languages, as provided by Ethnologue 2004, a study by H Bell entitled ‘The Nuba Mountains: Who Spoke What in 1976?’ and EB 2004, are Dilling, Koalib, Keiga, Midobi, Birked, Temein, Daju, Otaro and Tira. [34] [41] [6b] (p4) LoC’s 1991 study also stated that “The Kurdufarian languages these people [the Nuba] spoke were not generally mutually intelligible except for those of some adjacent communities.” [35a] (p9)

According to USCR’s report of 2000, the Nuba practise religious and ethnic tolerance and are a mixture of Christians, Muslims and followers of traditional animist religions. [24a] (p8) LoC’s study considered that, given the Arabisation of the people around them, only a relatively small number of Nuba have adopted Arabic as their home language and even fewer have converted to Islam. [35a] (p9)

According to LoC’s 1991 study, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. [35a] (p9) The study recorded that some are patrilineally organised in that they base or trace their descent on the

male line; others follow matrilineal patterns as they trace their descent on the female line; and a very few, in south-eastern Nuba, have both patri- and matrilineal groupings in the same community. [35a] (p9) LoC 1991 also recorded that Nile Nubians, although seeking to retain a link with their traditional homeland, have resettled in towns such as Khartoum, Kassala and Port Sudan to work as domestic servants and semi-skilled labourers but also as teachers or civil servants. [35a] (p4)

According to the Leni Riefenstahl website, the German director-photographer lived with at least two different Nuba tribes between 1962 and 1977. [72a] The website reproduced a selection of photographs, primarily of the Masakin Qisar Nuba and the Kau Nuba. [72a] [72b] These images provide some background information to the cultural practices of these two tribes, and show various scarification patterns. [72a] [72b] The website of another photographer, F Jack Jackson, displayed photographs of Nuba tribespeople taken in Sudan prior to the outbreak of the north-south civil war. [73]

See also Section 6.A: The north-south conflict, North-south peace talks and the Comprehensive Peace Agreement (CPA) and Members and supporters of armed factions - central/south Sudan; **Section 6.B:** Ethnic groups/Nuba; **Annex B:** Sudan People's Liberation Movement/Army

Black ethnic groups (central and south Sudan)

Acholi, Anuak, Azande, Baka, Banda, Bari, Berta or Schankalla, Bongo, Dinka, Karamojo, Koma, Kreisch, Lango, Lotuko, Luo, Madi, Mangbetu, Moru, Mundu, Murle or Molen, Ndogo, Nuer, Shilluk/Schilluk, Sere, Turkana [40]

EB 2004 stated that "Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost one-fifth of The Sudan's total population." [6b] (p4) According to Ethnologue 2004 and Languages of the World, 1995, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). [34] (p6-7, 16, 17) [39] (p358) The LoC 1991 study recorded that the Dinka made up roughly 40 per cent of southern Sudan's population and approximately 10 per cent of Sudan's population as a whole; the Nuer were between a quarter to a third the size of the Dinka and the Shilluk about a quarter of the size of the Nuer. [35a] (p6) The LoC's 1991 study reported that "The Dinka are considered to have as many as twenty-five tribal groups. The Nuer have nine or ten separately named groups." [35a] (p6)

According to EB 2004, "The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the West Bank of the river. The Nuer live farther south, east of the Mountain Nile." [6b] (p4) LoC's 1991 study stated that "The Dinka were widely distributed over the northern part of the southern region, particularly Aali an Nil and Bahr al Ghazal." [35a] (p6) The LoC study also recorded that the Nuer populace was also widely distributed, while the Shilluk, who call themselves Collo, were permanently settled in a limited and unbroken area just north of the point where the Bahr al Jabal becomes the White Nile. [35a] (p6-7)

According to an October 2003 *Sudan Mirror* website article by Victor Lugala of the New Sudan Council of Churches (NSCC), "Among the Nilotics of Sudan, tribal marks were/are a passage from childhood to adulthood. They were/are also regarded as a badge of bravery or gallantry. In some communities facial scarification ceremonies are similar to circumcision ceremonies, in which candidates were/are initiated in batches." [70] (p2) The article described the different scarification practices of a number of tribes from southern Sudan as follows:

“The Bul Nuer (Nilotics) of western Upper Nile, for instance, inundate their faces with braille-like dots that make a person look as if s/he is suffering from an acute case of smallpox. Meanwhile, the Nuer of the east bank of the River Nile mark their faces in six parallel, contour-like lines, similar to the Dinka Agar of Rumbek. The Mundari marks on the other hand, do not follow any uniform pattern, they just cut the face at random, this is not done for aesthetic purposes but to let out ‘dirty’ bloody *[sic]* when a person is sick. The Lotuho serrate the ears of some of their heroic men as a visual mark of bravery and gallantry. The Bantu ethnic group of Western Equatoria has facial marks similar to those of the Danagla people of Northern Sudan. For instance the Baka are known for their one-eleven (111) cuts on both cheeks. Such cuts can be traced to the early Christian kingdoms of Nubia in Dongola and Meroe, where the one-eleven implied three-in-one or the Holy Ghost.” [70] (p1)

However, the article also stated that “With modernization, influence of western cultures, facial scarification is fast disappearing.” [70] (p2)

The Leni Riefenstahl website, dedicated to the work of the German director-photographer, stated that she lived in Sudan between 1962 and 1977. [72a] The website included limited pictures of the Murle, Dinka and Shilluk tribes. [72c] The website of another photographer, F Jack Jackson, displayed photographs of southern Sudanese tribespeople taken in Sudan prior to the outbreak of the north-south civil war. [73] The Nuer Field Project of Indiana University also contained a large number of photographs and other information about the culture, language and way of life of the Nuer tribespeople. [74]

See also Section 6.A: [The north-south conflict, North-south peace talks and the Comprehensive Peace Agreement \(CPA\) and Members and supporters of armed factions - central/south Sudan](#); **Section 6.B:** [Ethnic groups/Nilotes - Dinka, Nuer and Shilluk](#)

Annex B: [Sudan People’s Liberation Movement/Army](#)

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Annex D: Languages of Sudan

This list should not be viewed as exhaustive. For languages estimated to be spoken in Sudan by fewer than 20,000 persons, refer to Ethnologue, source [34].

According to *Encyclopaedia Britannica* (EB) 2004, "There are more than 100 languages spoken as mother tongues in the Sudan." [6b] (p6) Ethnologue 2004 listed 142 languages for Sudan and stated: "Of those, 134 are living languages and 8 are extinct." [34] (p1) The US Library of Congress' (LoC 1991) country study dated June 1991 claimed that "The number of languages spoken in Sudan is assumed to be about 400 languages, including languages spoken by an insignificant number of people." [35a] (p2) LoC's study also stated that "English is widely spoken as a second language in the North and to a lesser extent in the South." [35b] (p5)

See also Annex C: [Main ethnic groups](#)

Spoken Living Languages

ACHERON

[ACZ] Northern Sudan, Kordofan Province, southern Nuba Hills. *Alternate names:* GARME. *Dialects:* EASTERN ACHERON, WESTERN ACHERON. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Tocho. [34]

ACHOLI

[ACO] 27,000 in Sudan (1978 SIL). Southern Sudan, Opari District, Acholi Hills. *Alternate names:* ACOLI, ATSCHOLI, SHULI, GANG, LWO, AKOLI, ACOOLI, LOG ACOLI, DOK ACOLI. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Southern, Luo-Acholi, Alur-Acholi, Lango-Acholi. [34]

ANUAK

[ANU] 52,000 in Sudan (1991 UBS). Population total both countries 98,000. *Alternate names:* ANYWAK, ANYWA, YAMBO, JAMBO, NURO, ANYUAK, DHO ANYWAA. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Anuak. [34]

AMA

[NYI] 70,000 (1982 SIL). Northern Sudan, Kordofan Province, north-west of Dilling on range of hills of which Jebel Nyimang is a part, and on the Mandal range. *Alternate names:* NYIMANG, INYIMANG, NYIMA, NYIMAN. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Nyimang. [34]

ARABIC, STANDARD

[ABV] Middle East, North Africa. *Classification:* Afro-Asiatic, Semitic, Central, South, Arabic.

ARABIC, SUDANESE CREOLE

[PGA] 20,000 first language and 44,000 second language speakers in Juba alone (1987 estimate). Southern Sudan, in the towns and many villages all over Equatoria Region, and up into Bahr al Ghazal and Upper Nile regions. Refugees have gone to other countries. *Alternate names:* JUBA ARABIC, SOUTHERN SUDAN ARABIC, PIDGIN ARABIC. *Classification:* Creole, Arabic based. [34]

ARABIC, SUDANESE SPOKEN

[APD] 15,000,000 or more in Sudan, 51 per cent of population (1991). Population total all countries 16,000,000 to 19,000,000. *Alternate names:* KHARTOUM ARABIC. *Dialects:* KHARTOUM, WESTERN SUDANESE, NORTH KORDOFAN ARABIC, JA'ALI, SHUKRI. *Classification:* Afro-Asiatic, Semitic, Central, South, Arabic. [34]

BAKA

[BDH] 25,000 in Sudan (1993 UBS). Population total both countries 26,300. *Alternate names:* TARA BAKA. *Classification:* Nilo-Saharan, Central Sudanic, West, Bongo-Bagirmi, Bongo-Baka, Baka. [34]

BARI

[BFA] 226,000 in Sudan (1978 SIL), including 26,400 in Kuku, 18,000 in Nyangbara, 3,400 in Nyepu, 25,000 in Pojulu. Population total both countries 286,000 or more. *Alternate names:* BERI. *Dialects:* KUKU, NYANGBARA (NYANGWARA, NYAMBARA), NYEPU (NYEFU, NYEPO, NYPHO, NGYEPY), PÖJULU (PAJULU, FADJULU, FAJELU, MADI), LIGO (LIGGO). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [34]

BEDAWI

[BEI] 951,000 in Sudan (1982 SIL) including 30,000 Hadendoa, 15,000 Bisharin (1992). Population total all countries 1,148,000. *Alternate names:* BEJA, BEDAWIYE, BEDAUYE, TO-BEDAWIE, BEDJA. *Dialects:* HADENDOA (HADENDOWA, HADENDIWA), HADAREB (HADAAREB), BISHARIN (BISARIAB), BENI-AMIR. *Classification:* Afro-Asiatic, Cushitic, North. [34]

BERTA

[WTI] 22,000. Northern Sudan. *Alternate names:* BARTA, BURTA, 'BENI SHANGUL', WETAWIT. *Dialects:* SHURU, BAKE, UNDU, MAYU, FADASHI. *Classification:* Nilo-Saharan, Berta. [34]

DAGIK

[DEC] (38,000 with Ngile; 1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, on some outlying hills in Mesakin Hills, Reika village. *Alternate names:* MASAKIN, MASAKIN DAGIG, DAGIG, REIKHA, DENGEBU. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [34]

DAJU, DAR FUR

[DAJ] 70,000 to 90,000 all Daju in Dar Fur (1983 Bender). Northern Sudan, Dar Fur Province, in the Daju Hills 25 miles north-east of Nyala. Also in Geneina District in Dar Masalit. The West Kordofan dialect is in the Daju Hills near Lagowa, with main settlements at Dar el Kabira, Nyukri, and Tamanyik and other hills. *Alternate names:* NYALA-LAGOWA, FININGA, DAGU, DAJU FERNE, BEKE. *Dialects:* NYALA, LAGOWA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [34]

DAJU, DAR SILA

[DAU] Northern Sudan. Nearly all those Daju of Dar Sila who are in Sudan have migrated into Dar Fur and settled there in recent times. *Alternate names:* SILA, SULA, MONGO-SILA, BOKOR, BOKORUGE, BOKORIKE. *Dialects:* MONGO, SILA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [34]

DIDINGA

[DID] 58,000 (1978 SIL). Southern Sudan, Didinga Hills and north of Nagishot. *Alternate names:* 'DI'DINGA, XAROKA, TOI, LANGO. *Classification:* Nilo-Saharan,

Eastern Sudanic, Eastern, Surmic, South, South-west, Didinga-Murle, Didinga-Longarim. [34]

DINKA, NORTH-EASTERN

[DIP] 320,000 (1986 UBS) including 7,200 Abialang, 9,000 Dongjol, 2,500 Luac, 16,000 Ngok-Sobat, 20,000 Jok, 13,500 Ageer, 2,000 Rut, 400 Thoi. Southern Sudan, north-east of the Sudd, along both sides of the White Nile, and along the Sobat River. *Alternate names:* PADANG, WHITE NILE DINKA. *Dialects:* ABILIANG (DINKA IBRAHIM, AKOON, BAWOM, BOWOM), DONGJOL, LUAC (LUAIC), NGOK-SOBAT (NGORK, JOK), AGEER (AGER, AGEIR, ABUYA, BEER, NIEL, NYEL, PALOC, PALOIC), RUT, THOI. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [34]

DINKA, NORTH-WESTERN

[DIW] 80,000 Ruweng (1986). Southern Sudan, north of the Bahr el Ghazal River, and southern Kordofan around Abyei. *Dialects:* ALOR, NGOK-KORDOFAN, PAN ARU, RUWENG. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [34]

DINKA, SOUTH-CENTRAL

[DIB] 250,000 including 2,000 Aker, 2,000 Thany, 22,000 Ciec, 25,000 Gok (Tucker and Bryan). (Total Dinka 2,000,000 or more.) Southern Sudan, west of the Nile, south of the Sudd. Aker is south-east of the Agar; Aliap is south of the Bor in a few fishing villages mainly on the east bank of the Nile. Ciec is in Lakes District on the west bank of the Nile. Gok is between the Agar and the Rek in Jur River and Lakes districts. *Alternate names:* AGAR, CENTRAL DINKA. *Dialects:* ALIAP (ALIAB, THANY, AKER), CIEC (CIEM, CIC, CHIECH, KWAC, AJAK, ADOR), GOK (GAUK, COK), AGAR. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [34]

DINKA, SOUTH-EASTERN

[DIN] 250,000 including 21,000 Atoc, 9,000 Ghol, 4,000 Nyarueng, 35,000 Twi, 21,000 Bor Gok (Tucker and Bryan). 500,000 including South Central (Agar) and South-eastern (Bor) (1982 UBS). Southern Sudan, east of the Nile, around Bor and northwards. *Alternate names:* BOR, EASTERN DINKA. *Dialects:* BOR (BOR GOK), ATHOC (ATHOIC, ATOC, BORATHOI, BOR ATHOIC), GHOL, NYARWENG (NYARUENG, NARREWENG), TUIC (TWI). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [34]

DINKA, SOUTH-WESTERN

[DIK] 450,000 (1982 UBS) including 55,000 Abiem, 15,000 Luac, 40,000 Malual, 17,000 Paliat, 35,000 Palioupiny, 50,000 Tuic. Southern Sudan, north and north-west of Wau. *Alternate names:* REK, WESTERN DINKA. *Dialects:* REK (RAIK), ABIEM (AJONG DIT, AJONG THI, AKANY KOK, AKERN JOK, APUOTH, APWOTH, ANEI), AGUOK (AGWOK), APUK, AWAN, LAU, LUAC, MALUAL (MALWAL, ATOKTOU, DULIIT, KOROK, MAKEM, PETH), PALIAT (BALIET, AJAK, BUONCWAI, BON SHWAI, BWONCWAI, KONGDER, KONDAIR, THANY BUR, TAINBOUR), PALIOUPINY (PALIOPING, AKJUET, AKWANG, AYAT, CIMEL, GOMJUER), TUIC (TWIC, TWICH, TWIJ, ADHIANG, AMIOL, NYANG, THON). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [34]

FULFULDE, ADAMAWA

[FUB] 90,000 in Sudan (1982 SIL). Northern Sudan, Blue Nile and Kordofan regions. *Alternate names:* FELLATA. *Dialects:* GOMBE. *Classification:* Niger-Congo, Atlantic-Congo, Atlantic, Northern, Senegambian, Fula-Wolof, Fulani, Eastern. [34]

FUR

[FUR] 500,000 in Sudan (1983 Bender). Population total both countries 502,000. *Alternate names:* FOR, FORA, FORDUNGA, FURAWI, FURAKANG, FORTA, FOROK, KONJARA, KUNGARA, YERGE, ONAGE, KORRA, KADIRGI, KURKA, DALA, LALI. *Classification:* Nilo-Saharan, Fur. [34]

GAAM

[TBI] 40,000 to 80,000 (1997 M L Bender). Northern Sudan. The main centre is in and around Jebel Tabi, on Tabi Massif and outlying hills. A small community in Khartoum. Not in Ethiopia. *Alternate names:* INGASSANA, INGESSANA, TABI, METABI, MUNTABI, MAMEDJA, MAMIDZA, KAMANIDI. *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Eastern Jebel, Gaam. [34]

GUMUZ

[GUK] 40,000 in Sudan. Northern Sudan, around Famaka, Roseires from Ethiopia border possibly as far as Fazoglo. *Alternate names:* MENDEYA, DEBATSA, DEGUBA, DEHENDA, GUMIS, GOMBO, SHANKILLINYA, SHANQILLA. *Dialects:* DISOHA (DESUA), DAKUNZA (DEGOJA, DUKUNZA, GUNZA, GANZA, DUKUNA, DUGUNZA), SAI, SESE (SAYSAY), DEKOKA, DEWIYA, KUKWAYA, GOMBO, JEMHWA, MODEA. *Classification:* Nilo-Saharan, Komuz, Gumuz. [34]

HAUSA

[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan. *Classification:* Afro-Asiatic, Chadic, West, A, A.1. [34]

JUMJUM

[JUM] 25,000 to 50,000 (1987 SIL). Northern Upper Nile Province, along Khor Jumjum on Jebels Tunga, Terta, and Wadea. *Alternate names:* BERIN, OLGA, WADEGA. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [34]

KANURI, CENTRAL

[KPH] 195,000 in Sudan (1993 Johnstone). Northern. *Alternate names:* YERWA, KANURI, KANOURI, BORNU, BORNOUNS, KANOURY, KOLE, SIRATA, 'BERIBERI'. *Dialects:* DAGARA, KAGA (KAGAMA), SUGURTI, LARE, KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MAIDUGURI. *Classification:* Nilo-Saharan, Saharan, Western, Kanuri. [34]

KAKWA

[KEO] 40,000 in Sudan (1978 SIL). Southern Sudan, Yei District, extending into DRC in the west at Aba and in the south around Mahagi. *Alternate names:* BARI KAKWA, KAKUA, KWAKWAK, KAKWAK. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [34]

KATCHA-KADUGLI-MIRI

[KAT] 74,935 including 48,864 Kadugli and Katcha, 26,071 Miri (1984 R C Stevenson). Northern Sudan, Kordofan Province, in the southern hills of the Nuba Hills area. Katcha is in villages a short distance south of Kadugli and south-east of the Miri Hills. Kadugli is also in villages surrounding Kadugli. Miri is in Miri villages south of Kadugli. *Dialects:* KATCHA (TOLUBI, DHOLUBI, TUNA, KACA), KADUGLI (DAKALLA, TALLA, DHALLA, TOMA MA DALLA, KUDUGLI, MORTA), MIRI, DAMBA. *Classification:* Niger-Congo, Kordofanian, Kadugli, Central. [34]

KENUZI-DONGOLA

[KNC] 180,000 in Sudan (1996). Population total both countries 280,000. *Alternate names:* DONGOLA-KENUZ, NILE NUBIAN, DONGOLAWI. *Dialects:* DONGOLA, KENUZI (KENUZ, KUNUZI). *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Central, Dongolawi. [34]

KOALIB

[KIB] 44,258 (1984 R C Stevenson). Northern Sudan, southern Kordofan Province, Nuba Mountains, around Delami, including Umm Berumbita and Turum (Nguqwurang), south and south-west of Abri around Koalib range (Ngunduna), at and around Nyukwur, also at Umm Heitan and Hadra (Nginyukwur), in villages scattered over the plain around Abri (Ngirere). *Alternate names:* KAWALIB, KOWALIB, NGIRERE, NIRERE, RERE, LGALIGE, ABRI. *Dialects:* NGUQWURANG, NGUNDUNA, NGINYUKWUR, NGIRERE, NGEMERE. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Rere. [34]

KRONGO

[KGO] 21,688 (1984 R C Stevenson). Northern Sudan, Krongo Hills, south of Masakin range and west of Talodi, Kordofan Province. *Alternate names:* KORONGO, KURUNGU, KADUMODI, TABANYA, DIMODONGO. *Dialects:* FAMA-TEIS-KUA. *Classification:* Niger-Congo, Kordofanian, Kadugli, Eastern. [34]

LANGO

[LNO] 20,000 possibly (1987 SIL). Southern Sudan, eastern Equatoria Province, Torit District. *Alternate names:* LANGGO. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [34]

LARO

[LRO] 40,000 (1998 local estimate). Northern Sudan, Nuba Hills on the hills of Laro (Alleira) and a few small hills nearby. *Alternate names:* LARU, AALEIRA, YILLARO, NGWULLARO. *Dialects:* TUNDULI, LARO. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Ebang-Logol, Ebang-Laru. [34]

LOPPIT

[LPX] 50,000 (1995 Scott Randal). Southern Sudan, eastern Equatoria Province, Lopit Hills, northeast of Torit. *Alternate names:* LOPIT, LOPID, LOFIT, LAFITE, LAFIT, LAFIIT. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [34]

LUWO

[LWO] 80,000 (1983 census). Southern Sudan, north of Wau toward Aweil, southeast of Wau as far as Tonj. *Alternate names:* LWO, JUR LUO, JUR LWO, JO LWO, DHE LWO, DHE LUWO, GIUR. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Jur. [34]

MABAAN

[MFZ] 25,000 to 50,000 (1987 SIL). On the border of Blue Nile and Upper Nile provinces, between Yabus and Tombak rivers in the north and Khor Daga in the south. Not in Ethiopia. *Alternate names:* MAABAN, MEBAN, SOUTHERN BURUN, GURA, TUNGAN, BARGA, TONKO, ULU. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [34]

MANDARI

[MQU] 35,812 (1952). Southern Sudan, near Bari; one division around Tali, the other on both sides of the Nile between Tombe and Mongalla. *Alternate names*: MONDARI, MUNDARI, SHIR, CHIR, KIR. *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [34]

MASSALEIT

[MSA] 145,000 in Sudan. Population total both countries 250,000 (1983 Doornbos and Bender). *Alternate names*: MASALIT, MASSALIT, KAANA MASALA, JWISINCE. *Dialects*: SURBAKHAL. *Classification*: Nilo-Saharan, Maban, Mabang, Masalit. [34]

MIDOB

[MEI] 50,000 (1993 R Werner). Northern Sudan, Dar Fur Province, Jebel Midob, and settled communities in Omdurman and Gezira Aba. The centre is Malha. *Alternate names*: MEIDOB, MIDOBI, TIDDA, TID, TID-N-AAL. *Dialects*: SHELKOTA (SHALKOTA), KAAGEDDI, URRTI (UURTI). *Classification*: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Western. [34]

MORO

[MOR] 30,000 (1982 SIL) including 4,100 Abu Leila and Lebu, 460 Umm Dore, 9,000 Umm Gabralla (1977 Voegelin and Voegelin). Northern Sudan, eastern Nuba Mountains, Kordofan Province. *Alternate names*: DHIMORONG. *Dialects*: UMM DOREIN (LOGORBAN), UMM GABRALLA (TOBERELDA), NDERRE, LAIYEN, NUBWA, ULBA, WERRIA. *Classification*: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [34]

MORU

[MGD] 70,000 (1982 SIL), including 1,200 Agi, 2,500 Andri, 5,000 Kadiro, 9,000 Miza, 400 Wa'di. Southern Sudan, Mundri District, Equatoria Province. *Alternate names*: KALA MORU. *Dialects*: AGI, ANDRI, 'BALI'BA, KADIRO, LAKAMA'DI, MIZA, MORUWA'DI. *Classification*: Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. [34]

MÜNDÜ

[MUH] 23,000 in Sudan. Population total both countries 25,800. *Alternate names*: MUNDO, MOUNTOU, MONDU, MONDO. *Dialects*: SHATT. *Classification*: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Ngbaka-Mba, Ngbaka, Eastern, Mundu. [34]

MURLE

[MUR] 60,000 in Sudan (1982 SIL). Population total both countries 60,200. *Alternate names*: MURELEI, MERULE, MOURLE, MURULE, BEIR, AJIBBA, AGIBA, ADKIBBA. *Classification*: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, Southwest, Didinga-Murle, Murle. [34]

NDOGO

[NDZ] 20,000 (1993). Southern Sudan, Western District along Wau-Deim Zubeir Road between Mboro and Kpango rivers. A few are north of Tembura among the Zande. Not in CAR. *Classification*: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Sere, Sere-Bviri, Ndogo-Sere. [34]

NGILE

[MAS] 38,000 including Dagik (1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, in Mesakin Hills on some outlying hills. *Alternate names*: MASAKIN, MESAKIN, DALOKA, TALOKA, DARRA. *Dialects*: AHEIMA (EL AKHEIMAR), DALOKA

(TALOKA), MASAKIN GUSAR (MESAKIN QUSAR, MASAKIN BURAM), MASAKIN TUWAL (TIWAL, TOWAL). *Classification*: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [34]

NOBIIN

[FIA] 295,000 in Sudan (1996). Population total both countries 545,000. *Alternate names*: MAHAS-FIADIDJA, MAHAS-FIYADIKKYA, FIADIDJA-MAHAS. *Dialects*: MAHAS (MAHASI, MAHASS), FIYADIKKA (FEDICCA, FADICHA, FADICCA, FADIJA, FIADIDJA). *Classification*: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Northern. [34]

NUER

[NUS] 740,000 in Sudan (1982 SIL) including 2,935 Western Jikany, 12,500 Lou, 1,100 Nyuong, 2,500 Thiang, 5,900 Bul, 2,400 Jagai, 6,700 Laak, 4,900 Leik, 1,600 Door, 17,600 Eastern Jikany (1977 Voegelin and Voegelin). Population total both countries 805,000. *Alternate names*: NAATH, NAADH. *Dialects*: DOR (DOOR), EASTERN JIKANY (JIKAIN, JEKAIN), ABIGAR, WESTERN JIKANY, CIEN, THOGNAATH (THOK NATH), LOU (LAU), NYUONG, THIANG (BUL, GAWAAR, JAGAI, LAAK, LEIK). *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Nuer. [34]

OTUHO

[LOT] 135,000 including Dongotono (1998), 2,500 Koriot, 1,000 Lomya (1977 Voegelin and Voegelin). Southern Sudan, Torit District, eastern Equatoria Province, east and southeast of the Luluba and the Lokoya. *Alternate names*: LOTUKO, LOTUHO, LOTUXO, LOTUKA, LATTUKA, LATUKO, LATUKA, LATOOKA, OTUXO, OLOTORIT. *Dialects*: KORIOK, LOGIRI (LOGIR), LOMYA (LOMIA), LORWAMA, LOWUDO (LOUDO, LAUDA), LOGOTOK. *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [34]

PÄRI

[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province. *Alternate names*: LOKORO. *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. [34]

SHILLUK

[SHK] 175,000 (1982 SIL). Southern Sudan, Upper Nile Province, between Nile and Kordofan Province boundary, from latitude 11 in the north to about 80 miles west of Tonga; also on the east bank of the Nile around the junction of the Nile and Sobat rivers, and for about 20 miles up the Sobat River. *Alternate names*: COLO, DHOCOLO, CHULLA, SHULLA. *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Shilluk. [34]

TEGALI

[RAS] 35,738 (1984 R C Stevenson). Northern Sudan, Kordofan Province, Nuba Mountains, Tegali Range, Rashad hills and town of Rashad. *Alternate names*: TAGALE, TEGELE, TOGOLE, TEKELE. *Dialects*: RASHAD (KOM, NGAKOM, KOME), TEGALI. *Classification*: Niger-Congo, Kordofanian, Kordofanian Proper, Rashad. [34]

TIRA

[TIR] 40,000 (1982 SIL). Northern Sudan, Nuba Hills in villages extending from near Otoro to the neighbourhood of Talodi. *Alternate names*: TIRO, THIRO, LITHIRO. *Dialects*: KINDERMA (KANDERMA), TIRA EL AKHDAR (TIRA DAGIG), TIRA LUMUM

(LUMAN), TIRA MANDI. *Classification*: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [34]

TOPOSA

[TOQ] 100,000 (1984 M Schroeder). Southern Sudan, along both sides of Singaita and Lokalyen rivers. The southern boundary is 4.30' N, northern 5' N, western 33.22' E, eastern 34' E. Ritual centre at Loyooro River. They migrate as far as Moruangipi (34.30' E, 5.10' N), and occasionally farther east into the disputed Ilemi Triangle at the Ethiopian border for seasonal grazing. They have no permanent settlements there. The Jiye live at 5.20' N 33.45' E. *Alternate names*: TAPOSA, TOPOTHA, AKARA, KARE, KUMI. *Dialects*: EASTERN TOPOSA, WESTERN TOPOSA, JIYE. *Classification*: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Teso-Turkana, Turkana. [34]

ZAGHEWA

[ZAG] 102,000 in Sudan (1982 SIL). Population total all countries 186,800. *Alternate names*: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZAHAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUK. *Classification*: Nilo-Saharan, Saharan, Eastern. [34]

ZANDE

[ZAN] 350,000 in Sudan (1982 SIL). Southern Sudan, DRC primarily, and CAR in an elongated semicircle with Uele River as its base. Some projections south. *Alternate names*: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUKI. *Dialects*: DIO, MAKARAKA (ODIO). *Classification*: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Zande, Zande-Nzakara. [34]

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Annex E: Religions of Sudan

This list should not be viewed as exhaustive.

The US State Department's Religious Freedom Report for 2004 (USSD RF 2004), published on 15 September 2004, stated that:

"Accurate figures are unavailable due to poor census data and the last 2 decades of civil war, but most estimates put the Muslim population at approximately 65 percent, including numerous Arab and non-Arab groups; Christians at approximately 10 percent; and traditionalists at 25 percent. Muslims predominate in the north, but there are sizable Christian communities in northern cities, principally in areas where there are large numbers of internally displaced persons (IDPs). It is estimated that over the last 40 years, more than 4 million southerners have fled to the north to escape the war." [3f] (Section I. Religious Demography)

Islam

The state religion. Sudanese Islam has a strong Sufi element, and is estimated to have more than 15 million adherents. [1] (p1114) USSD RF 2004 reported that "The Muslim population is almost entirely Sunni but is divided into many different groups. The most significant divisions occur along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, are associated with the opposition Umma and Democratic Unionist Parties respectively." [3f] (Section I. Religious Demography) *Encyclopaedia Britannica* 2004 (EB 2004) stated that "It is estimated that more than one-half of the population of The Sudan is Muslim." EB 2004 also stated that "Ninety percent of these people live in the northern two-thirds of the country." [6n] (p1)

Christianity

Sudan Council of Churches - Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda.

[1] (p1114) EB 2004 estimated that "Christians account for between 4 and 10 percent of the population." [1] (p1088) [6n] (p1) According to USSD RF 2004,

"Most citizens in the south adhere to either Christianity or traditional indigenous religions (animists); however, there are some Muslim adherents as well, particularly along the historical dividing line between Arabs and Nilotic ethnic groups. There are reports that Christianity is growing rapidly in the south, especially in areas outside of government control. There also is evidence that in the south many new converts to Christianity continue to adhere to elements of traditional indigenous practices." [3f] (Section I. Religious Demography)

Roman Catholic Church

Archbishop of Khartoum: Cardinel Gabriel Zubeir Wako. [1] (p1114)

Archbishop of Juba: Most Reverend Paolino Lukudu Loro. [1] (p1114)

Latin Rite

Sudan comprised two archdioceses and seven dioceses and, as of 31 December 2002, an estimated 4,179,932 or 9.7 per cent of the population were adherents.

[1] (p1114)

Sudan Catholic Bishops' Conference

Founded in 1971 by Most Reverend Paolino Lukudu Loro. [1] (p1114)

Maronite Rite

Maronite Church in Sudan

Reverend Father Youseph Neama. [1] (p1114)

*Melkite Rite***Patriarchal Vicariate of Egypt and Sudan**

General Patriarchal Vicar in Egypt and Sudan: Jules Zerey (Titular Archbishop of Damiette); Protosyncellus: Most Reverend Paul Antaki (Titular Archbishop of Nubia); Vicar in Sudan: Father George Banna. [1] (p1114)

*Syrian Rite***Syrian Church in Sudan**

Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). [1] (p1114)

Orthodox Churches*Coptic Orthodox Church***Metropolitan of Khartoum, Southern Sudan and Uganda**

Right Reverend Anba Danial. [1] (p1114)

Bishop of Atbara, Omdurman and Northern Sudan

Right Reverend Anba Sarabamon. [1] (p1114)

Greek Orthodox Church

Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. [1] (p1114)

According to Europa 2005, "The Ethiopian Orthodox Church is also active." [1] (p1114)

The Anglican Communion

Archbishop in Sudan: Most Reverend Joseph Biringi. [1] (p1114)

The (Episcopal) Church of the Province of the Sudan

Established in 1976, has 24 dioceses and approximately 1 million adherents. [1] (p1114)

Other Christian Churches**Evangelical Church**

Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. [1] (p1114)

Presbyterian Church

Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. [1] (p1114)

SIM Sudan

Founded 1937; Director: L Dick. [1] (p1114)

According to Europa 2005, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." [1] (p1114)

Traditional Animist Religions

Encyclopaedia Britannica (EB 2004) stated that "At least one third of The Sudan's population follow traditional animist religions, particularly in the south and in the Nuba Mountains." EB 2004 also recorded that "Although these animists share some common elements of religious belief, each ethnic group has its own indigenous religion." [6n] (p1)

See also Section 6.A: [Freedom of religion](#)

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Annex F: States of Sudan

The information below has been taken from the Official Government of Sudan website, source [80a]. Spellings and names of states and state capitals may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

Government of Sudan (GoS)-administered areas

Northern - Capital: Dongola
River Nile - Capital: Damar
Khartoum - Capital: Khartoum
North Kordofan - Capital: Elobeid
Western Kordofan - Capital: Foola
Southern Kordofan - Capital: Kadugli
While Nile - Capital: Rabak
Aljazira - Capital: Medani
Gadarif - Capital: Gadarif
Sinnar - Capital: Sinja
Northern Darfur - Capital: Fashir
Western Darfur - Capital: Jineina
Southern Darfur - Capital: Nyala
Red Sea - Capital: Port Sudan
Kasala - Capital: Kasala

Part rebel-controlled areas

West Sudan

Northern Darfur - Capital: Fashir
Western Darfur - Capital: Jineina
Southern Darfur - Capital: Nyala

East Sudan

Red Sea - Capital: Port Sudan
Kassala - Capital: Kassala

Sudan People's Liberation Movement (SPLM)-administered areas

North Bahr Alghazal - Capital: Aweil
West Bahr Alghazal - Capital: Wau
Warab - Capital: Warab
Unity (Wuhda) - Capital: Bantiyu
Upper Nile - Capital: Malakal
Jongli - Capital: Bor
Lakes (Boheirat) - Capital: Rombek
Western Equatoria - Capital: Yambio
Bahr Aljabal - Capital: Juba
Eastern Equatoria (Sharq al Istiwa'iyah) - Capital: Kapoita

Areas jointly administered by the SPLM and GoS

Blue Nile State - Capital: Damazeen

Nuba Mountains (located in Southern Kordofan and part of Western Kordofan)
Abyei Province (located in Western Kordofan)

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Annex G: Prominent People

The information below has been taken from the Official Government of Sudan website, source [80b], which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

Government of Sudan

The President

Lt Gen Omar Hassan Ahmad El-Bashier [82]

First Vice-President

Lt Gen Silva kair Miar Madit [82]

Vice-President

Ali Osman Mohamed Taha [82]

Assistant President

Dr Nafi' Ali Nafi' [82]

For information on prominent people in opposition parties and rebel groups, see Annex D: Main political organisations

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Annex H: List of source material

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